

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
CASE NO. 22-80173-CR-CANNON

UNITED STATES OF AMERICA,

Plaintiff,

JUNE 12, 2023

vs.

FORT PIERCE, FLORIDA

WILLIAM MICHAEL SPEARMAN,

Defendant.

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TRANSCRIPT OF JURY TRIAL/CHANGE OF PLEA PROCEEDINGS
BEFORE THE HONORABLE AILEEN CANNON
UNITED STATES DISTRICT JUDGE

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Monday, June 12, 2023.

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THE COURT: Thank you.

Good morning. Please call the case and be seated.

THE COURTROOM DEPUTY: United States v. William Michael Spearman, case number 22-Criminal-80173.

Will the parties please state your appearance starting with the government?

MR. REYNOLDS: Good morning, Your Honor; Kyle Reynolds, William Clayman, and Gregory Schiller, all present and ready on behalf of United States.

Your Honor, we also have FBI Special Agent David Backlund and DOJ Investigative Analyst Chancey Davis at counsel's table, if they may remain.

THE COURT: All right. And in terms of who will be taking the lead during jury selection, has that been decided among the government attorneys?

MR. REYNOLDS: Yes, Your Honor; Mr. Schiller will be taking the lead during jury selection.

THE COURT: All right.

Good morning, Mr. Berry.

MR. BERRY: Good morning, Your Honor; Scott Berry on behalf of Bill Spearman, who is seated to my right. Also, along with me today is Caroline McCrae. She will be co-trying the case with me. My investigator Sara Shannon will be here.

I think Your Honor probably heard, we had an issue

Monday, June 12, 2023.

1 with clothing this morning. She is out trying to buy some
2 additional pants or bring additional pants for him for later
3 today.

4 THE COURT: Mr. Berry, for our court reporter's
5 benefit, I'm going to ask that you please move that whole
6 device -- yes -- closer to you.

7 Do you know at this point, does the Defense feel
8 comfortable moving forward given the pants issue or is an
9 additional delay warranted to rectify that?

10 MR. BERRY: Judge, so our preference would be to wait
11 a little bit this morning. My investigator had a slightly
12 larger pair of pants for Bill, and she is on her way back to
13 the courthouse now.

14 THE COURT: Okay.

15 MR. BERRY: We would like to try -- I don't know if
16 they are going to fit him either. He apparently put on some
17 weight since his incarceration began, but we would at least
18 like to try that, so if it is possible to delay --

19 THE COURT: Well, there will be some time built in
20 this morning for party review of the questionnaires, so
21 hopefully that will coincide with the arrival of the
22 investigator, but please update me and the courtroom deputy on
23 her arrival.

24 All right. This case obviously is set for trial. Do
25 the parties still estimate a three- to four-day trial,

1 Mr. Reynolds?

2 MR. REYNOLDS: Yes, Your Honor.

3 THE COURT: Okay.

4 Mr. Berry, any adjustments to that expected timeline?

5 MR. BERRY: No, ma'am.

6 THE COURT: Okay.

7 I don't believe we discussed during calendar call the
8 requested time for opening statements; if we did, my apologies,
9 but what are the parties requesting in the form of opening
10 statement?

11 MR. REYNOLDS: Your Honor, if we could have 10 to 15
12 minutes for opening statement, that should be sufficient.

13 THE COURT: Mr. Berry or Ms. McCrae?

14 MS. MCCRAE: I think that's more than sufficient for
15 the Defense, Your Honor.

16 THE COURT: Then we will do 15 minutes per side for
17 opening statements, and I'll give you a five minute warning.

18 I have incorporated many of the questions submitted
19 by the parties in my voir dire plan so I trust that will permit
20 each side to use their ten minutes wisely. Are there any
21 questions with respect to the Court's voir dire process,
22 Mr. Reynolds or Mr. Schiller?

23 MR. SCHILLER: No, Judge. I just -- I assume -- I
24 think the Court told us previously, but there is no back
25 striking, things of that nature.

1 THE COURT: Yes, correct. No back striking under any
2 circumstances. We will have the standard number of
3 peremptories allotted to each side under the federal rules.
4 You cannot save unused peremptories for use in the
5 determination of alternate jurors, and each side will be given
6 one additional strike for alternates.

7 We have summoned 50 jurors this morning which I think
8 is adequate for this case, and we are in the process now of
9 collating those questionnaires, so you will have enough time to
10 review them before we get started.

11 One small scheduling issue, and that is for
12 Wednesday. Instead of beginning at 9:00 A.M. with trial, we
13 will be starting at 10:00 A.M. to accommodate a calendar call I
14 have in another case set for trial which Will be handled in the
15 morning. So please plan for a 10:00 A.M. start this Wednesday,
16 instead of the standard 9:00 o'clock.

17 Mr. Berry?

18 MR. BERRY: Your Honor, two things: First, I don't
19 think I heard you say this, but are we going to get some sort
20 of a seating chart. Do we know how the jurors are going to be
21 situated in the courtroom?

22 THE COURT: They will all have numbered paddles, and
23 they raise those when they're speaking. I find that to be a
24 very useful system. But in general, we start with the box. We
25 use that left gallery, and then we shift over to the right

1 gallery. Hopefully, that answers your question, but you won't
2 be given a formal seating chart; although like I said, each
3 juror will have a physical paddle in their hand with numbers in
4 big black bold font.

5 MR. BERRY: The other issue, Judge, is at the -- I
6 believe it was at the status hearing, when Your Honor was
7 discussing the questions that you would ask and which ones you
8 would not, you had indicated that you would not be willing to
9 ask question number 5 on my proposed questions in regards to
10 hearing recorded statements and how the jurors must consider
11 those statements. And you had asked me if I had any suggestion
12 about a more pointed question. At the time, I had indicated I
13 would think with it. I did not have an answer for you at that
14 time.

15 I do have a more pointed question I would ask the
16 Court to consider, and the question is whether anyone thinks
17 that no one ever falsely confesses to a crime, if anyone has
18 that belief that no one would ever falsely confess to a crime.

19 THE COURT: All right. Any thoughts by the
20 government on that proposed question?

21 MR. SCHILLER: Thank you, Your Honor.

22 I think the question kind of falls in the same lines
23 as the previous one. It is a very generalized question, and so
24 we think that it's still inappropriate at this point.

25 THE COURT: All right. I think what I'm going to do

1 is just read to the jurors at least portions of the standard
2 instruction governing statements by defendant which contains
3 that caution and great care language and then, as with the
4 other questions, invite them to answer whether they feel
5 comfortable and would be capable of fully applying that law.

6 So that is the Court's ruling with respect to defense
7 proposed question 5, as adjusted by Mr. Berry.

8 Any other voir dire questions?

9 MR. BERRY: I don't believe so, Judge.

10 THE COURT: Let me just make a note of that.

11 I don't anticipate the charge conference taking a lot
12 of time, but it is scheduled to take place this Wednesday at
13 5:15 approximately.

14 All right. Any changes, Mr. Schiller or
15 Mr. Reynolds, to the Government's exhibit list which currently,
16 I believe, contains eight individuals -- I mean nine, excuse
17 me?

18 MR. REYNOLDS: No, Your Honor, not to document; but
19 the latest is docket entry 143 which we filed on the 8th which
20 contains nine witnesses.

21 THE COURT: Now, I would like to ascertain whether
22 any party wishes to invoke the rule to exclude witnesses
23 scheduled to testify in this case.

24 MR. BERRY: Defense would invoke the rule.

25 THE COURT: All right. The rule is so invoked, and I

1 ask the parties to monitor that issue so I can be apprised of
2 any folks in the courtroom that shouldn't be here.

3 Today, of course, is dedicated to jury selection and
4 opening statements only, and then we will get started with
5 witness presentation tomorrow. I don't know exactly what time
6 we will be done today; but hopefully, it will be earlier than
7 the standard 5:30.

8 As far as the motion to suppress, you should have
9 received via e-mail a copy of the Court's sealed order denying
10 that motion. Has everybody received that?

11 MR. SCHILLER: The government has, Your Honor.

12 MR. BERRY: The Defense has received the order,
13 Judge.

14 THE COURT: Okay. All right. Any other matters to
15 address before I step off to distribute the questionnaires to
16 each side?

17 Mr. Berry.

18 MR. BERRY: Two things, Judge. First, I do want to
19 formally object to the Court's denial of the motion to
20 suppress, as well as the Court's denial of our request for a
21 hearing on that issue.

22 And then also, my investigator has returned, and she
23 does have slightly larger pair of pants for Mr. Spearman.

24 THE COURT: So please make arrangements during the
25 break to outfit Mr. Spearman with the appropriate pants. I

1 take your objection to the order denying the motion to suppress
2 as well as the in limine motion which I will sort of reiterate
3 orally on the record when that evidence is -- is submitted.

4 So, for the government, when you are at the point of
5 introducing that evidence, please give the Court a heads-up so
6 I can determine whether a cautionary instruction is warranted
7 contemporaneously and make any other findings on the record,
8 relevant to the Defendant's motion.

9 That is all I have at the moment, so please stand by
10 for the questionnaires, and we will resume in approximately 15
11 minutes.

12 (Recess was had at 9:16 A.M.; and the proceedings

13 Resumed at 9:36 P.M.)

14 THE COURT: Thank you. You may be seated.

15 All right. The questionnaires have been distributed.
16 The jurors are outside and ready to enter. Any final matters
17 to address before we call in the jury pool?

18 Mr. Berry.

19 MR. BERRY: Yes, Your Honor.

20 Judge, I have a concern, so my client's mother and
21 sister are here. They are seated in the back of the courtroom.
22 I want to make sure they are going to be able to remain present
23 for this trial and throughout the jury selection process as
24 well, and I'm concerned about seating in terms of jurors and
25 things of that nature. So I wanted to just --

1 THE COURT: There is no room for members of the
2 public right now, during jury selection. So, unfortunately,
3 that's not something I can accommodate; but any family members
4 are welcome to come, once jury selection is over, and we have
5 room to accommodate members of the public assuming of course,
6 Mr. Spearman's mother is not intending to testify.

7 Anything further on that issue?

8 MR. BERRY: Yes, Judge.

9 First, Mr. Spearman's mother is not going to be
10 testifying, neither is his sister, and we would object to them
11 not being permitted in the courtroom during the jury selection
12 process. It is a violation of Mr. Spearman's Sixth Amendment
13 right to a public trial.

14 THE COURT: All right. Thank you. Your objection is
15 overruled.

16 Let's call in the jurors, and let's please direct
17 Ms. Spearman outside.

18 Ms. Spearman, we will welcome you back in, once jury
19 selection is over. Thank you.

20 All rise for the jurors.

21 (Venire panel enters courtroom at 9:38 A.M.)

22 THE COURT: All right. Thank you.

23 Please be seated. I'll call the case.

24 This is United States of America versus William
25 Michael Spearman, case number 22-80173-Criminal.

1 Good morning, ladies and gentlemen.

2 My name is Aileen Cannon, and I'm a United States
3 District Judge. I will be overseeing this case on behalf of
4 the entire district and the parties. I want to thank you all
5 for being here and express my gratitude to you all for your
6 service in this matter.

7 This process is known as voir dire jury selection, so
8 I will make a number of observations and statements and then we
9 will proceed to questioning both by the Court as well as some
10 limited questioning by the attorneys.

11 The right to trial by jury is a cherished right in
12 our constitutional democracy. It is recognized, preserved, and
13 protected by our constitution; and it is one of the most
14 important duties that a citizen is called upon to perform. Our
15 framework permits litigants to select members of their
16 community to decide the outcome of a case that ends up in
17 court, and your role is truly indispensable to that system. So
18 although I can understand that perhaps some of you were not
19 thrilled upon receipt of your juror summons, I want to stress
20 just how important juror service is to our system of laws and
21 thank you again for our service.

22 I assume also that at least for some of you, this
23 process may seem totally unfamiliar. I want to make you feel
24 comfortable, not to feel apprehensive or inadequate in any way
25 as we go along. The Court and the parties will give you

1 appropriate instructions about your role and what your duties
2 will be if chosen to serve on this jury.

3 Let's get started with some introductions. The
4 courtroom deputy for our trial, whom you have met, I believe,
5 is Ms. Tina Casissi. She is standing to my right, and she is
6 here to assist us in coordinating the day-to-day operations of
7 the Court.

8 Directly in front of me, we have Ms. Diane Miller.
9 She is our court reporter, and she will be transcribing and
10 taking down everything that is said in this courtroom including
11 everything that I am saying right now. So to make her job
12 easier, I ask that all of you please speak as clearly and as
13 audibly as you can and that when you do so, you also raise your
14 paddles with the appropriate juror number that we have given to
15 you so that everybody knows who is speaking when.

16 We also today have our court security officer,
17 Officer Blanford. His job is to enforce the Court's orders and
18 take charge of the jury. If you need information concerning
19 your personal welfare, please ask the courtroom deputy or the
20 court security officer, and they will try to assist you, but
21 please do not question them about any substantive matters
22 concerning the case that is being presented.

23 Now that we have that out of the way, I'm going to
24 give you some more information about what this process entails.
25 As I mentioned earlier, it is called voir dire or jury

1 selection, and that really essentially just means to speak the
2 truth. It's a Latin phrase for that, but really it is the
3 process of selecting a jury that is fair and impartial, that
4 will follow the law, that will evaluate the issues in this case
5 based solely upon the evidence presented without being
6 influenced by any other factors.

7 And so in service of that goal, we have to determine
8 if your decision in this case would be influenced by opinions
9 that you now hold or by some other personal experience or
10 special knowledge that you may have concerning the case to be
11 tried.

12 In many ways, this process of jury selection is the
13 most important part of the trial, as we are about to pick the
14 judges of the facts of this case. I may bear the title of
15 judge, but I will not decide the outcome. My role is to see to
16 it that the rules of the courtroom are followed, but it is the
17 jurors who serve as judges of the facts.

18 Now, as I alluded to earlier, this questioning does
19 take a considerable amount of time, so we thank you for your
20 patience in advance. Please also understand that this
21 questioning is not intended to pry into your personal affairs
22 but instead is intended only for the purpose of obtaining a
23 fair and impartial jury.

24 Now if for any reason any line of questioning makes
25 you feel uncomfortable or you wish to speak to the Court and

1 the parties in private, please don't hesitate to let me know,
2 and we will arrange for that.

3 Ultimately, the only right answer is the truth so we
4 ask that you please be as candid and as complete as you can
5 with your answers.

6 Finally, if at the conclusion of this jury selection
7 process, you are not selected to serve on this jury, please
8 don't feel offended or feel that your integrity has been
9 questioned in any way. It hasn't. Either side can strike a
10 juror or excuse a juror without giving a reason and some
11 persons are simply better suited for one case rather than
12 another. That is all.

13 All right. Now why are we here?

14 We are here because an indictment has been filed
15 informing the defendant, Mr. William Michael Spearman, that he
16 is accused of certain federal crimes; but as I will explain to
17 you in more detail in a few moments, the indictment is not
18 evidence. It is simply an accusation, and the defendant has
19 responded to the indictment by saying that he is not guilty.
20 So it is the Government's entire burden to prove beyond a
21 reasonable doubt that the defendant is guilty, and that is what
22 you are here determine.

23 I'm going to go over these concepts in a bit more
24 detail as we proceed, but to give you a very brief description
25 of what the allegations in this case entail, the indictment

1 alleges that the defendant committed three federal offenses:
2 Conspiracy to advertise child pornography by means of an
3 internet website; conspiracy to distribute child pornography by
4 means of an internet website; and engaging in a child
5 exploitation enterprise as that term is defined under law.

6 First of all, let me ask if any of the jurors, at
7 this point, have heard or read anything about this case? If
8 you have, please raise your hand and your paddle.

9 I see no hands.

10 Now I'm going to ask the attorneys for both parties
11 to introduce themselves starting with the government.

12 MR. REYNOLDS: Ladies and gentlemen, good morning.
13 Thank you very much for your service today. My name is Kyle
14 Reynolds, next to me is Bill Clayman, and next to him is
15 Gregory Schiller. Mr. Clayman, Mr. Schiller, and I are federal
16 prosecutors and we have the privilege of representing the
17 United States of America in this criminal case.

18 The rest of our trial team is also at counsel table
19 today. Right next to Mr. Schiller is Special Agent David
20 Backlund from the FBI; and at the end of the table is
21 Department of Justice Investigative Analyst Chancy Davis who
22 will be assisting us with trial presentation.

23 Thank you very much for your service today.

24 THE COURT: Thank you, Mr. Reynolds.

25 Before I turn to Mr. Berry, let me just ask: Does

1 anybody in the courtroom know any of the individuals who were
2 just introduced from the government?

3 I see no hands.

4 All right. Mr. Berry.

5 MR. BERRY: Thank you, Judge.

6 Good morning. My name is Scott Berry; along with me
7 at counsel table is Caroline McCrae, we are going to co-try
8 this case together. And Sara Shannon is our investigator, she
9 is also seated at counsel table. We all have the privilege of
10 representing Bill Spearman who is here before you today, so
11 thank you.

12 THE COURT: Thank you, Mr. Berry.

13 Does anybody know any of the individuals just
14 introduced?

15 I see no hands.

16 Now does anybody know the defendant, Mr. William or
17 Bill Spearman?

18 Okay. I see no hands.

19 Now, I'm going to ask the government to read out loud
20 the names of any potential witnesses, that is persons who may
21 be coming into the courtroom to provide testimony during the
22 course of this case. I ask you all to please listen carefully,
23 so you can tell me if you recognize somebody.

24 Is there an issue, sir?

25 (Brief pause in proceedings)

1 THE COURT: There was a question about the juror
2 paddles, but everything is straightened out, and we will go one
3 by one to ensure that the numbers are correct.

4 All right. Mr. Reynolds, if you could please state
5 out loud the names of potential government witnesses in this
6 case.

7 MR. REYNOLDS: Yes, Your Honor.

8 At trial in this case, the United States may call one
9 or more of the following witnesses to testify: FBI Special
10 Agent Drew Steinmetz; Department of Justice High Technology
11 Investigative Unit Director James Patrell; FBI Special Agent
12 Scott Schoenhardt; FBI Special Agent Blake Downing; FBI Data
13 Scientist John Robert Marsh; FBI Special Agent Donald Fisher;
14 FBI Special Agent Sean Mueller; Homeland Security
15 Investigations Special Agent Daniel Venmier; and FBI Special
16 Agent David Backlund.

17 THE COURT: Thank you.

18 Now does anybody in the courtroom recognize or know
19 any of the individuals just identified by Mr. Reynolds?

20 I see no hands.

21 All right. Now this case is expected to last
22 approximately five days beginning today. The Court's schedule
23 generally runs from approximately 9:00 in the morning to 5:30
24 in the evening. Is there anybody here who has a unique
25 scheduling problem with this anticipated schedule that would

1 make it uniquely difficult to serve on this jury? And what I'm
2 referring to are things such as nonrefundable airline tickets,
3 or scheduled surgery.

4 All right. I see a number of paddles in the back.
5 Let's start first with -- please show me your paddle.
6 Thank you. Juror Number 33, are you Ms. Barbara
7 Galloway?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: All right, Ms. Galloway, please tell us
10 what your unique scheduling concern is.

11 PROSPECTIVE JUROR: It's airplane, I leave tomorrow
12 and come back Wednesday.

13 THE COURT: And what is this trip for?

14 PROSPECTIVE JUROR: It is business, I'm going to
15 Texas.

16 THE COURT: Is this a trip that can be rescheduled?

17 PROSPECTIVE JUROR: No, ma'am.

18 THE COURT: Why not?

19 PROSPECTIVE JUROR: It's a business trip. I've
20 tried. I knew that I was on jury selection for these two
21 weeks, and it cannot be postponed.

22 THE COURT: And what do you do for work, ma'am?

23 PROSPECTIVE JUROR: I work for the Public Defender's
24 Office.

25 THE COURT: Which jurisdiction is that?

1 PROSPECTIVE JUROR: Nineteenth Circuit.

2 THE COURT: All right. And you said you return when?

3 PROSPECTIVE JUROR: Wednesday night -- afternoon.

4 THE COURT: All right. Thank you, Ms. Galloway.

5 Juror Number 30, are you Ms. Carol Schroeder?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: Thank you.

8 All right. What are is your scheduling issue?

9 PROSPECTIVE JUROR: I'm leaving tomorrow morning for
10 two weeks to go to California. I do have a nonrefundable
11 ticket, but that's not the issue. The issue is that I have
12 four grandchildren who are getting out of school tomorrow and
13 one working parent, and I need to be there, granny nanny.

14 THE COURT: Now I think you said there was one
15 working parent. Does that mean there is another parent home
16 with the children?

17 PROSPECTIVE JUROR: No. That means the other parent
18 is out of town.

19 THE COURT: So you would be, from what I understand,
20 the sole caregiver of the four children; is that correct?

21 PROSPECTIVE JUROR: Correct, including a baby.

22 THE COURT: All right, thank you, ma'am. You may be
23 seated.

24 All right. Juror 42 in the back, if you can stand,
25 please.

1 PROSPECTIVE JUROR: I have child care issues as well.
2 I'm a teacher so I'm home for the summer, so my seven-year-old
3 son is home, so it would be very difficult for me to be here.

4 THE COURT: What arrangements have you made for
5 today?

6 PROSPECTIVE JUROR: My husband is missing training
7 today. He is a police officer so that might also be --

8 THE COURT: Do you have any other assistance in the
9 form of family or friends who could help you with your
10 childcare issues this week?

11 PROSPECTIVE JUROR: My parents occasionally can, but
12 for -- I'm an hour away. I live in Jupiter, so it's very
13 difficult.

14 THE COURT: All right. Thank you, Juror 42. And let
15 me confirm, are you Ms. Goetz?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: Okay.

18 Good afternoon, sir, please show me your paddle
19 number.

20 All right, Juror 40. Are you Mr. Guidry?

21 PROSPECTIVE JUROR: Yes, ma'am. I have a Mohs
22 procedure appointment at 9:30 on Friday. I tried to get it
23 earlier before this two-week period, but kind of a perfect
24 storm, my doctor is on vacation. He gets back this week, so if
25 I don't take this 16th appointment, they tell me it will be at

1 least another three weeks before they can get me in because he
2 has all the backup patients.

3 THE COURT: I'm sorry. Did you say Mohs procedure?

4 PROSPECTIVE JUROR: Yes, ma'am. It's where they
5 cut -- it's precancerous cells that they found on my back.
6 They cut some out, put it under a microscope.

7 THE COURT: All right.

8 PROSPECTIVE JUROR: If they get the cells -- if there
9 is no cells present, they stitch you back up. If there are
10 cells present, they take another layer off, and they keep going
11 until they get a clean sample.

12 THE COURT: All right. Thank you, sir.

13 Okay. You may be seated, Mr. Guidry.

14 Any other jurors? I think I see Juror Number 4 here,
15 in the jury box.

16 PROSPECTIVE JUROR: My name is Marta Moroldo.

17 THE COURT: Good morning.

18 PROSPECTIVE JUROR: I'm a pediatrician. I cover at
19 Tradition Cleveland Clinic Hospital. We are three hospitalists
20 covering the floor; and one of my coworkers, her brother passed
21 away Saturday night, so she had to fly out. That means that my
22 other coworker would have to cover for the whole week for me
23 and it's 24 hours in.

24 THE COURT: All right. And are there any other
25 coworkers who on occasion fill in, in these scenarios?

1 PROSPECTIVE JUROR: Well, but the ones that fill have
2 another full-time job, so last minute things are kind of
3 difficult. I kind of arranged my schedule for last week, and I
4 was able to come all the week, but it is hard to schedule for
5 two weeks in a row with such a short number of people covering.

6 THE COURT: All right. Understanding that this trial
7 is expected to last no more than five days, does that change
8 the scheduling concern at all?

9 PROSPECTIVE JUROR: My coworker will have to work 24
10 hours nonstop for five days.

11 THE COURT: All right.

12 PROSPECTIVE JUROR: Because we lost that one, if you
13 need, I can ask for, you know, the proof of the death of her --

14 THE COURT: No, that's okay, ma'am. Thank you, you
15 may be seated.

16 All right. Any other jurors who have a unique
17 scheduling concern should express that right now?

18 All right, I see no additional hands.

19 Now, I'm going to turn it over to the attorneys
20 briefly for any limited follow-up as relates to the jurors who
21 have identified scheduling issues, anything from the
22 government.

23 MR. SCHILLER: No, Your Honor, thank you.

24 THE COURT: Anything from Mr. Berry?

25 MR. BERRY: No, thank you, Judge.

1 THE COURT: All right.

2 Now, does anybody here have any difficulty reading or
3 speaking the English language?

4 All right, I see a juror in the front. Let's start
5 with Juror Number 6.

6 Please tell us your name, sir.

7 PROSPECTIVE JUROR: My name is Randy Zambrano.

8 THE COURT: All right. What is your language
9 situation?

10 PROSPECTIVE JUROR: I speak Spanish, but I don't
11 understand too much English.

12 THE COURT: Have you heard -- excuse me. Have you
13 understood everything that I have said to this point so far?

14 PROSPECTIVE JUROR: No. I don't understand too much,
15 that's why. I feel like, you know --

16 THE COURT: Okay. All right.

17 So did I hear correctly that you haven't fully
18 understood everything I have said thus far?

19 PROSPECTIVE JUROR: Uh-huh.

20 THE COURT: All right. Thank you, sir. You may be
21 seated.

22 Any other prospective jurors with difficulty reading
23 or speaking the English language?

24 All right. I see no additional hands.

25 Now, does anybody here have any physical disabilities

1 or impairments -- hearing, sight or otherwise -- that would
2 render you incapable of performing your duty as a juror, if
3 chosen?

4 All right. I see no hands.

5 Now, as I said earlier, we are here because an
6 indictment has been returned informing the defendant that he is
7 accused of certain crimes, and the defendant is called upon to
8 respond to that indictment. But again, the indictment is not
9 evidence. The indictment in this case was returned and the
10 defendant, in response to that indictment, said, "I am not
11 guilty." Those words carry a great deal of weight because we
12 are now beginning a jury trial where the government is required
13 to prove beyond a reasonable doubt that the defendant is guilty
14 before he may be found guilty. And so the fact that an
15 indictment exists does not mean that what it alleges actually
16 happened. That is what you are here to determine, as I have
17 indicated, and that is what the government must prove beyond a
18 reasonable doubt.

19 Now, there are several important concepts that I want
20 to discuss with you. These principles really lie at the heart
21 of our criminal justice system, and they start off with the
22 presumption of innocence, the government's burden of proof, and
23 the defendant's right to remain silent.

24 How many in this room, just by a show of hands, have
25 heard of a defendant's presumption of innocence?

1 All right. I see a lot of hands going up.

2 Indeed, the indictment in a criminal case is merely,
3 as I have indicated, the accusatory paper which states the
4 charges to be determined at the trial, but it isn't evidence
5 against the defendant or anybody else.

6 As I have indicated, the defendant has entered a plea
7 of not guilty and he is presumed, by the law, to be innocent.
8 Every person charged with a crime in this country is presumed
9 innocent and that right is guaranteed by our constitution.

10 In fact, if I were to send all of you back to the
11 jury deliberation room right now, the only verdict you could
12 enter is not guilty.

13 Does anybody here have any difficulty accepting that
14 proposition as the law?

15 I see no hands.

16 Now again, to reiterate, the burden of proving the
17 defendant's guilt rests with his accuser which, in this case,
18 is the United States Government, and the burden is to prove the
19 charges beyond a reasonable doubt.

20 Now, I'm going to read to you the instruction that I
21 would give to you at the conclusion of a trial, if chosen to
22 serve on this jury, and it pertains to the definition of
23 "reasonable doubt," so please listen carefully.

24 The Government's burden of proof is heavy, but it
25 doesn't have to prove a defendant's guilt beyond all possible

1 doubt. The Government's proof only has to exclude any
2 reasonable doubt concerning the defendant's guilt. A
3 reasonable doubt is a real doubt based on your reason and
4 common sense after you have carefully and impartially
5 considered all of the evidence in the case. Proof beyond a
6 reasonable doubt is proof so convincing that you would be
7 willing to rely and act on it without hesitation in the most
8 important of your own affairs.

9 Does anybody here have any difficulty accepting what
10 I have just read to you as the law?

11 I see no hands.

12 Now, along the same lines, the government has the
13 entire burden of proof. That means there is nothing left over
14 for the Defense. There is nothing for the defendant to prove
15 to you or to disprove to you.

16 Does anybody have any difficulty accepting that as
17 the law?

18 No hands.

19 Now, how many of you in this room have heard of a
20 defendant's right to remain silent?

21 Again, I see a number of hands scattered throughout.

22 As I have said before, the law does not require the
23 defendant to prove his innocence or to provide any evidence at
24 all.

25 And if the defendant elects not to testify, you

1 cannot consider that in any way during your deliberations.

2 Again, the government has the burden to prove a
3 defendant's guilt beyond a reasonable doubt and if the
4 government fails to meet that burden, you must find the
5 defendant not guilty.

6 Does anybody have any hesitation accepting those
7 principles as the law?

8 I see no hands.

9 And so to expound upon this principle, if the
10 defendant does not testify, again, you cannot hold that against
11 him. Let me illustrate with an example.

12 Let's say the case is over, you go back in the jury
13 room, and you don't believe that the government has proven its
14 case beyond a reasonable doubt and to the exclusion of a
15 reasonable doubt. At that point, you cannot say to yourself or
16 to your fellow jurors, well, I don't believe the government has
17 proven its case, but I'm going to find the defendant guilty
18 anyway because he didn't testify, you cannot do that. You
19 cannot hold that against him.

20 Does anybody here have any trouble accepting that as
21 the law?

22 Again, no hands.

23 Now, jurors, you will be required to judge the
24 testimony of witnesses; and to do so, you are going to use
25 certain common sense guidelines related to evaluating witness

1 credibility.

2 Now, we all communicate with people every day; and
3 each time we communicate with someone, presumably you make a
4 determination about whether the person with whom you are
5 speaking is being sincere and accurate about what he or she is
6 saying. Those same common sense guidelines are the guidelines
7 you are going to be required to use in this case to evaluate
8 the credibility, sincerity, and accuracy of the witnesses that
9 are going to be brought before you, and this is regardless of
10 the witness's profession.

11 Now, when you are considering a witness's
12 credibility, you may consider various factors like the
13 witness's opportunity and ability to see, hear, or know the
14 things the witness is testifying about, the witness's memory,
15 the witness's manner while testifying, any interest the witness
16 has in the outcome of the case, any other evidence that
17 contradicts the witness's testimony and the reasonableness of
18 the witness's testimony in light of all of the evidence along
19 with any other factors affecting believability.

20 Does anybody here in this room feel that they would
21 be unable to evaluate the credibility of witnesses as you are
22 hearing evidence in this case?

23 I see no hands.

24 Now, you may be hearing, and you will be hearing from
25 government agents and law enforcement officers in this case.

1 Those common sense guidelines that I just went over with you in
2 terms of judging a witness's credibility are the ones you need
3 to apply to every witness regardless of his or her profession.

4 Now, you have indicated that you don't know any of
5 the anticipated witnesses that were identified by the
6 government, and I would like to discuss sort of this issue of
7 weighing credibility a little bit more specifically in the
8 context of law enforcement witnesses.

9 Does anybody here have any particularly negative or
10 positive feelings toward law enforcement that you simply would
11 not be able to put aside if selected to serve on this jury?

12 I see a juror in the back, Juror Number 42. Hold on,
13 we need to get you the microphone.

14 One moment, I just want to -- Ms. Goetz; is that
15 correct?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: All right. I didn't mean to interrupt
18 you. What were you about to say, ma'am?

19 PROSPECTIVE JUROR: I just have extremely positive --
20 my entire family is law enforcement, so I don't know that's
21 what you mean by that.

22 THE COURT: Thank you. I appreciate your answering;
23 you may be seated.

24 Any other members of the prospective juror pool who
25 have particularly positive or negative feelings toward law

1 enforcement that they simply would not be able to put aside, if
2 selected to serve on a jury?

3 I see no hands.

4 Now, this is a related question. Do any of you think
5 that you will find law enforcement officers more or less
6 credible just because of their employment? In other words,
7 regardless of the various factors I described earlier regarding
8 how to consider a witness's testimony?

9 Juror Number 3 in the front.

10 PROSPECTIVE JUROR: My stepson is -- sorry.

11 THE COURT: Excuse me, I'm going to ask that you wait
12 for the microphone, please.

13 PROSPECTIVE JUROR: Marvin Hurst.

14 My stepson is a sheriff down in Palm Beach County,
15 and I believe that they should be held to a higher standard,
16 and they do hold themselves to a higher standard.

17 THE COURT: All right.

18 Mr. Hurst, now let me just clarify. Given your
19 relationship with your stepson who is in law enforcement, do
20 you think anything about your stepson's employment would affect
21 or interfere with your ability to weigh the evidence in this
22 case based solely on the law as it is given to you as well as
23 the evidence as it is presented?

24 PROSPECTIVE JUROR: I believe that they probably did
25 their job or we wouldn't be sitting here.

1 THE COURT: All right. Thank you, Mr. Hurst, you may
2 be seated.

3 I see Juror 29 in the back.

4 Good morning. Ma'am, please tell me your name.

5 PROSPECTIVE JUROR: Lamour McKoy-Josephs.

6 THE COURT: Good morning.

7 My question, to reiterate, is whether you would find
8 a law enforcement officer more or less credible just because of
9 his or her employment. So that's the question; and what are
10 your thoughts, ma'am?

11 PROSPECTIVE JUROR: From my past experience, my son
12 was pulled over by a cop and whatever that -- was written in
13 the report was incorrect. Fast-forward, apparently the cops
14 did -- he made a false statement not only him but several
15 inmates; and the cop was charged and my son had to testify
16 against the cop and he was given prison time for that.

17 THE COURT: The law enforcement officer was given
18 prison time?

19 PROSPECTIVE JUROR: Yes, yes, in Martin County.

20 THE COURT: Okay. Now, as a result of that
21 experience that your son had and that you had indirectly
22 through your son, do you think it would be difficult for you to
23 set aside any views you might have about law enforcement given
24 how that proceeding ended up?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: And why?

2 PROSPECTIVE JUROR: Because I grew up knowing that
3 cops -- you're always safe with them; and at this point, when
4 you see a cop, I'm not anymore.

5 THE COURT: All right. Thank you, ma'am; you may be
6 seated.

7 All right. Let's see, any other jurors on this
8 issue?

9 Okay, I see no additional hands.

10 Now, I briefly earlier described in general terms the
11 allegations, the charges in this case against the defendant
12 which, as I noted, are conspiracy to advertise and distribute
13 child pornography along with engaging in what is termed a
14 "child exploitation enterprise." Having heard the general
15 nature of those offenses as alleged, is there anything about
16 the nature of those allegations themselves that you think would
17 prevent any of you from serving as a fair and impartial juror
18 in this case?

19 All right, I see jurors in the back.

20 Starting with Juror 26, please tell me your name.

21 PROSPECTIVE JUROR: Ashlee Register.

22 THE COURT: Thank you, Ms. Register.

23 What would you like to share with us?

24 PROSPECTIVE JUROR: Well, I would try and be fair and
25 impartial. I'm a mother of three young children and just

1 hearing the nature of the case makes me feel very emotional.

2 THE COURT: Now, the Court would instruct the jury if
3 you were chosen that you would be unable to have sympathy or
4 prejudice for either side, and you would be required to follow
5 the law based only on the evidence in the case and the law as
6 it is instructed.

7 Do you think you would be able to do that, ma'am,
8 despite what you have expressed just a minute ago?

9 PROSPECTIVE JUROR: No.

10 THE COURT: All right. Thank you. You may be
11 seated.

12 All right. Any other jurors?

13 I see Juror 45 and 42 in the back.

14 MR. REYNOLDS: Your Honor, may we have just a brief
15 sidebar?

16 THE COURT: Okay.

17 (Following proceedings were had in bench conference)

18 MR. REYNOLDS: Your Honor, in our experience, this
19 question tends to elicit disclosures from jurors of a highly
20 personal nature, and we wanted to suggest to the Court that
21 perhaps the jurors could be given the opportunity to give their
22 answers at sidebar.

23 THE COURT: Any thoughts from the Defense?

24 MR. BERRY: I think the Court can simply remind the
25 jurors that if they would like to speak sidebar about

1 something, that's okay.

2 THE COURT: All right. Thank you, all. I'll remind
3 them of that again.

4 That is all.

5 (Proceedings in open court)

6 THE COURT: All right, thank you for your patience.
7 It's not unusual to meet with the attorneys at sidebar, as we
8 call it, which just means next to the bench. So we will move
9 on from that, but I do want to remind everybody that, of
10 course, given the sensitive nature of the allegations in this
11 case, if anybody wishes to speak to the Court in private along
12 with the attorneys, then you are always welcome to do that,
13 just let me know.

14 All right. We left off discussing the nature of the
15 allegations, and I believe there were two jurors in the back
16 who had raised their paddles. Please let me see the number --
17 Juror Number 45; good morning, ma'am.

18 PROSPECTIVE JUROR: Good morning. My name is
19 Nickeisha Mitchell. I'm standing here because I'm a parent of
20 two children. I would consider this not a fair trial for me to
21 be in. I wouldn't be fair given my thoughts. And I have a
22 16-year-old that was actually touched by an adult, so I
23 wouldn't think this would be a fair trial for me.

24 THE COURT: All right. Ms. Mitchell, we will meet
25 with you privately a bit later on for further questioning on

1 that.

2 Thank you very much for your candor. You may be
3 seated.

4 And I see one more paddle in the back, Juror 42. I
5 think we have discussed your scheduling concerns and your other
6 remarks; so for now, you may be seated. If there is a need for
7 further questioning, Ms. Goetz, I will return back to you.

8 I see Juror Number 2.

9 Good morning. Please tell me your name.

10 PROSPECTIVE JUROR: My name is Ken Harris.

11 THE COURT: Good morning.

12 PROSPECTIVE JUROR: I have seven children, three of
13 them are mine, four stepchildren that I am raising. I'm
14 raising a grandchild right now. I feel I can be -- dealing
15 with kids, I can usually pick up on a lot of things, but this
16 type of crime really infuriates me which I still think I can be
17 fair. I'm just know that, you know, given all of my children,
18 both boys and girls, that every time I read something about it,
19 it is like whoo. So I'm just -- you should know that.

20 THE COURT: Thank you, and I appreciate that.

21 I think you indicated that you still think you can be
22 fair. Now, of course, that's essential, and you would be given
23 instructions on the law and it would be your duty, if chosen,
24 to be a fair and impartial juror, sir. Do you think you could
25 do that?

1 PROSPECTIVE JUROR: I believe so, yes.

2 THE COURT: Thank you. You may be seated.

3 All right. I see no additional paddles up at this
4 time so we will move on.

5 Oh, Juror Number 9.

6 PROSPECTIVE JUROR: Took me a while to figure it out.

7 THE COURT: That's okay. Please tell me your name.

8 PROSPECTIVE JUROR: Linda Marciano.

9 THE COURT: Good morning, ma'am.

10 PROSPECTIVE JUROR: Good morning.

11 At 13, I was molested by an army soldier.

12 THE COURT: I'm very sorry to hear that, ma'am.

13 PROSPECTIVE JUROR: I don't know if I -- it's not the
14 same, but kind of, I don't know.

15 THE COURT: And I can understand why you would want
16 to share that. And it's difficult, I'm sure, to do so. What I
17 do want to stress, though, is that each case has to be judged
18 by the facts pertinent to that case only, and so whatever may
19 have happened in your personal life has no bearing on whether
20 the government can meet its burden to prove the Defendant's
21 guilt beyond a reasonable doubt in this case.

22 So having said what I just said, do you have any
23 hesitation, ma'am, as to whether you could be a fair and
24 impartial juror in this case?

25 PROSPECTIVE JUROR: I don't know.

1 THE COURT: All right. You may be seated, thank you.

2 All right. Scanning the room, I see no additional
3 jurors.

4 All right. Now I'm going to address the concepts of
5 sympathy and prejudice. Sometimes we might feel sorry for
6 people in difficult situations; and unfortunately, sometimes we
7 may also feel prejudice. Neither sympathy nor prejudice can
8 factor into your deliberations. You are the judges of the
9 facts; and if you allow emotions to cloud your decision-making,
10 you will not be fulfilling your obligations as a juror.

11 Is there anybody here who cannot put feelings aside
12 or who cannot sit in judgment of others?

13 All right, I see no hands.

14 Now, relatedly, is there anybody here who feels they
15 could not be fair to both sides and hear the evidence
16 objectively?

17 I see no hands.

18 Now, you will be asked and instructed to disregard
19 the consequences of any verdict rendered. Do not be concerned
20 with the imposition of any sentence as that is the sole
21 province of the judge not the jury.

22 Does anybody here have any difficulty accepting that
23 as the law?

24 All right, I see no hands.

25 Now, as jurors, you may disagree about what the

1 evidence has shown. One juror may believe one witness and not
2 another, or you may believe part of what a witness says and not
3 another part. That is perfectly acceptable.

4 After you retire to the jury room, you must discuss
5 all the evidence and see if you can reach a unanimous verdict.
6 There is no room, however, for doubt concerning the law. The
7 law is what the Court instructs you it is, and you must be
8 willing to accept the law as it is instructed.

9 Is there anybody here who has any difficulty
10 accepting that proposition as the law?

11 Now, relatedly, is there anybody here -- and I see no
12 hands. Who would not follow the law even if you disagreed with
13 it?

14 I see no hands.

15 All right. Now I'm going to shift gears and talk
16 about a different topic which is computers and the internet a
17 bit more broadly. This case will involve evidence about the
18 internet and computers. Is there anybody here who doesn't use
19 any type of computer or electronic device to connect to the
20 internet either at home or at work?

21 I see no hands.

22 Now, on the flip side, is there anybody here who
23 considers themselves to have specialized knowledge or
24 experience in the realm of computers, for example, experience
25 writing code or conducting computer forensic examinations?

1 All right. Juror Number 9, Ms. Marciano.

2 Be careful, Officer.

3 Good morning, again. Tell me focusing here on the
4 issue of computer specific knowledge.

5 PROSPECTIVE JUROR: Well, I had my own business of
6 doing IT work for a small town and also doing -- creating
7 websites and setting up networking and doing anything that was
8 needed. I have two associate's degrees, one in advanced web
9 design and networking.

10 THE COURT: And are you still engaged in that
11 business?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Are you retired, ma'am?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Okay. How long ago were you running that
16 operation, if you remember?

17 PROSPECTIVE JUROR: I think about ten years ago.

18 THE COURT: Okay. All right. Thank you, ma'am. You
19 may be seated.

20 I see Juror Number 50, right here in one of the extra
21 chairs.

22 PROSPECTIVE JUROR: I teach computer coding, basic
23 coding, basic to middle school kids.

24 THE COURT: One moment, before you hand off the mic.

25 Is your name Ms. Sleeper?

1 PROSPECTIVE JUROR: Yes, Juror 50.

2 THE COURT: You said you teach computer code to
3 middle schoolers; is that right?

4 PROSPECTIVE JUROR: Uh-huh.
5 Robotics club.

6 THE COURT: And how advanced would you say the
7 curriculum is in your capacity with those students?

8 PROSPECTIVE JUROR: Code data work, it is not very
9 advanced.

10 THE COURT: Thank you very much, Ms. Sleeper. You
11 may be seated.

12 Any other hands related to the specialized computer
13 knowledge or experience question?

14 Okay. I see no hands, or no additional hands.

15 Now, I'm going to shift gears again to another topic,
16 and it concerns statements made by a defendant. If the
17 government offers evidence that a defendant made a statement or
18 admission to someone after being arrested or detained, you must
19 consider that evidence with caution and great care. You must
20 decide for yourself, number one, whether the defendant actually
21 made the statement and, number two, how much weight to give to
22 that statement. To make these decisions, you must consider all
23 of the evidence about the statement including the circumstances
24 under which it was made.

25 Now, having read that instruction to you, is there

1 anybody here who has any hesitation accepting that instruction
2 on the law as relates to statements of a defendant?

3 All right, I see no hands.

4 All right, let's check the time. It's 10:30, don't
5 worry, there will be an opportunity for a restroom break
6 shortly.

7 All right. So what I'm going to do now is ask a
8 question. If any juror wishes to offer an answer to this
9 question, then I'm going to ask that you stay in the courtroom.
10 You don't have to answer or speak now, we will go one by one
11 through this process because of the sensitive nature of the
12 questioning.

13 So the question is this: If you are selected as a
14 juror in this case, it is anticipated that evidence will
15 consist, in part, of graphic descriptions of sexually explicit
16 conduct involving a minor child including images -- a limited
17 number of images depicting such conduct.

18 Many people may find this material difficult to look
19 at. Nevertheless, the charges in this case relate to the
20 alleged distribution and advertisement of child pornography,
21 and it is imperative that jurors remain fair and impartial and
22 follow the Court's instructions on the law.

23 Does anybody here feel that they would be unable to
24 perform their duties fairly and impartially as a juror in this
25 case? Now that's the question. If the answer to that question

1 is yes or something approximating yes, please remain in the
2 courtroom.

3 Everybody else you may stand and go for a restroom
4 break, 15 minutes in length.

5 So at this point, we will proceed in that fashion.

6 All rise for the jurors.

7 And again, any folks who wish to remain in the
8 courtroom to discuss privately, please do so.

9 (Some members of venire panel exists the courtroom)

10 THE COURT: All right, you may be seated.

11 We will start with Juror Number 4. If you can make
12 your way to sidebar, ma'am, which is just right here.

13 (Following proceedings were had in bench conference)

14 THE COURT: All right. This is Juror Number 4,
15 Ms. Moroldo.

16 I know you also have a scheduling concern that we
17 have addressed, so before we dive into this topic, let me just
18 ask the parties if they have any particular questioning for
19 Ms. Moroldo.

20 MR. BERRY: No, ma'am; no questions from the Defense.

21 MR. SCHILLER: And no questions from the government.

22 THE COURT: Diane, are you hearing us okay?

23 THE COURT REPORTER: Yes.

24 THE COURT: All right.

25 Thank you very much, Ms. Moraldo; you may go outside

1 for your break, and we will call you back in with the full
2 group.

3 (Proceedings in open court)

4 The court: All right. The next juror in numerical
5 order is --

6 Tell me your number, sir.

7 PROSPECTIVE JUROR: Juror 11.

8 THE COURT: Okay, let's talk to you, sir. Are you
9 Mr. Shoudt?

10 PROSPECTIVE JUROR: Yes, ma'am.

11 MR. BERRY: Your Honor, before the juror approaches,
12 can we address something private, please?

13 THE COURT: Excuse me, sir, one moment.

14 (Following proceedings were had in bench conference)

15 THE COURT: All right. This is going to get
16 cumbersome, so I'm not going to be doing these one-off sidebars
17 this entire time.

18 MR. BERRY: I understand.

19 The issue is that with the additional questioning
20 that the Court -- I think the Court is going to be doing of
21 these jurors, the concern is that my client, who is not at
22 sidebar, is not able to hear any of the responses. Ultimately,
23 this is his jury and he should be able to hear what is
24 happening.

25 My suggestion would be rather than do these sidebar,

1 to have the jurors step out and we call them into the courtroom
2 one by one so that Mr. Spearman can actually hear what is going
3 on.

4 THE COURT: Any objection from the government?

5 MR. SCHILLER: No objection.

6 THE COURT: Then I'll accommodate your request.

7 MR. BERRY: Thank you, Judge.

8 (Proceedings in open court)

9 THE COURT: All right. There has been a
10 recommendation by the parties to make it easier for everybody
11 here, in terms of avoiding the logistical gathering here at
12 sidebar, that we do this one by one rather than at sidebar; and
13 so at this time -- and please excuse the change of plans, but
14 other than Juror Number 11, I'm going to ask that the remaining
15 jurors just stand right outside. Do not leave this area,
16 please, and we will call you in one by one.

17 Also, please, of course, do not misplace your
18 paddles.

19 (The remaining venire panel exited the courtroom)

20 THE COURT: All right. I think we are ready to go
21 now. Let's equip Mr. Shoudt with the microphone.

22 The floor is yours, sir.

23 PROSPECTIVE JUROR: I'm a victim of violent crime. I
24 was robbed at gunpoint, kidnapped, got my ribs broke, my leg
25 broke, and my wrist broke. I trust no one and I believe no

1 one. I will never be able to be impartial.

2 THE COURT: All right.

3 Any questions from the parties?

4 Mr. Reynolds or Mr. Schiller?

5 MR. SCHILLER: No questions, Your Honor; thank you.

6 THE COURT: Anything from Mr. Berry?

7 MR. BERRY: No, Your Honor; thank you.

8 THE COURT: All right. Thank you, Mr. Shoudt, you
9 may be excused. Please do not leave the courthouse though,
10 remain outside and you are now free to use the restroom and
11 come back later.

12 (Prospective Juror 11 exits courtroom)

13 THE COURT: Ms. Casissi, can you get the next juror,
14 please.

15 (Prospective Juror 12 enters courtroom)

16 THE COURT: Thank you, ma'am. If you can just walk
17 up, you can either be seated or standing by the jury box,
18 whatever makes you more comfortable.

19 And let's start off with your juror number, which is
20 Juror 12. Are you Ms. Corie Biandis?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: All right. What would you like to share
23 with us, given the Court's question?

24 PROSPECTIVE JUROR: It is nothing I needed to share
25 in private, I just didn't realize until your last question that

1 we would need to look at imagery; and morally, I don't think I
2 could do that. I'm not a mother, but I have three nieces and
3 nephews I'm very close to and, morally, I don't think I could
4 look at those images.

5 THE COURT: Any questions from the attorneys,
6 Mr. Schiller?

7 MR. SCHILLER: Yes, ma'am, quick follow-up.

8 Good morning, ma'am.

9 PROSPECTIVE JUROR: Good morning.

10 EXAMINATION

11 BY MR. SCHILLER:

12 Q When you say morally you can't, can you just give us a
13 little more information what you mean by that?

14 A I just don't think I could bring myself to look at them.

15 Q Do you think by looking at them, you will automatically
16 find either that a person would be guilty or not guilty?

17 Just looking at them, would that affect your
18 decision-making process?

19 A No, I don't think so, but I think I would be biased to --
20 just to know that the person is associated with that imagery.

21 Q Biased in which way?

22 A Against them.

23 Q Okay. And do you think that's a definite feeling you would
24 have, or you think that might happen?

25 A That might happen.

1 MR. SCHILLER: Okay, thank you, Judge.

2 THE COURT: All right, thank you.

3 Anything from Mr. Berry?

4 MR. BERRY: Just one moment, Judge.

5 EXAMINATION

6 BY MR. BERRY:

7 Q Good morning, ma'am.

8 A Good morning.

9 Q I just want to kind of clarify. When you talk about how
10 you morally couldn't look at the images, so if images were
11 presented in a courtroom and you were on the jury, you wouldn't
12 look at them at all, is that what you are saying?

13 A I don't think I would be able to bring myself to look at
14 them.

15 Q So that would be evidence. If we had a trial and you were
16 on the jury, there would be -- and such evidence was presented,
17 you would not be able to consider that evidence in any way?

18 A It would be extremely difficult. I don't think so. I
19 mean, I won't know for sure until I'm in that circumstance; but
20 I don't think the context of in a courtroom or otherwise, I
21 would ever bring myself to look at that imagery.

22 Q Do you think perhaps you wouldn't be able to ultimately be
23 fair in doing your duty as a juror in this particular case
24 because of that situation?

25 A Yes, that is my concern and that's why I brought that up.

1 MR. BERRY: Thank you, appreciate it.

2 THE WITNESS: Yes.

3 MR. BERRY: Nothing further, Judge.

4 THE COURT: Thank you, Juror 12; you may be excused
5 to use the restroom. And, of course, please don't discuss
6 these matters with any of your fellow jurors or the case at
7 all, thank you.

8 (Prospective Juror 12 exits the courtroom)

9 THE COURT: Ms. Casissi, next juror, please.

10 (Prospective Juror 14 enters courtroom)

11 THE COURT: Good morning, sir.

12 PROSPECTIVE JUROR: Good morning.

13 THE COURT: If you could stand over here by the jury
14 box, or you may be seated if you prefer.

15 Please tell me first your juror number and then your
16 name.

17 PROSPECTIVE JUROR: Juror 14.

18 THE COURT: Good afternoon. Is your name David Hall?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Okay. What would you like to express?

21 PROSPECTIVE JUROR: I would like to express that I
22 worked many years up north in an emergency room as an advocate,
23 advocating for child abuse, domestic violence; and I just
24 really have a hard time with that because, you know, I
25 advocated for those poor children that really had no choice, so

1 I just I feel that that would sway my decisions as being a
2 juror.

3 THE COURT: All right. I'm going to turn it over now
4 to the attorneys and they might have additional questions for
5 you.

6 Mr. Schiller?

7 MR. SCHILLER: Judge, thank you very much.

8 EXAMINATION

9 BY MR. SCHILLER:

10 Q Good morning, Mr. Hall.

11 A Good morning.

12 Q In the course of this trial, if you have to view images or
13 hear about a description of images that involve children and
14 sexual exploitation, do you think seeing it and hearing it, you
15 will automatically find that the defendant.

16 is either guilty or not guilty?

17 A I guess, it just depends on what the evidence is I think
18 so...

19 Q So I guess that's where my questioning leads. If you have
20 to see those images, are you going to automatically find one
21 way or the other, or are you going to consider all the
22 evidence?

23 A I could, I could.

24 Q You could what?

25 A I could go one way or another, you know, that they were

1 guilty based on the pictures.

2 Q So if all we did was show pictures of a graphic nature
3 involving children, based on that and nothing else, you could
4 find somebody guilty?

5 A Yes, I could.

6 Q Even if we have no evidence even linking those pictures to
7 somebody?

8 A Right, and I was just so exposed to it --

9 Q I understand.

10 A -- and represented the poor children so...

11 Q I'm not challenging you in the least, but I'm just trying
12 to see to what level we get.

13 Okay, sir, thank you very much.

14 THE COURT: Any questions from Mr. Berry?

15 MR. BERRY: No, thank you, Judge.

16 THE COURT: Thank you, Mr. Hall.

17 Please don't misplace your paddle or discuss these
18 matters with any of the prospective jurors and we will see you
19 in a few minutes.

20 (Prospective Juror 14 exits courtroom; prospective Juror
21 23 enters courtroom)

22 THE COURT: Good morning, sir.

23 PROSPECTIVE JUROR: Good morning.

24 THE COURT: You can stand there, if you wish, or be
25 seated, whatever you prefer. I do want to see your juror

1 number, if you don't mind.

2 Are you Juror 23?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: What is your name?

5 PROSPECTIVE JUROR: James Sopher.

6 THE COURT: What would you like to share with us
7 given the Court's question?

8 PROSPECTIVE JUROR: Mr. Matthews there is as good
9 friend and neighbor. I just wanted to -- there is no related
10 question you had earlier, so I just wanted to make sure --

11 THE COURT: Oh, okay, all right.

12 PROSPECTIVE JUROR: -- that was clear.

13 THE COURT: So what I heard is that you are a friend
14 of one of the deputy marshals in the courtroom; is that
15 correct?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: Would your friendship with the deputy
18 marshal, who isn't an attorney of record in this case and will
19 not be participating as a substantive matter, would that have
20 any impact at all, sir, in your consideration of the evidence
21 in this case?

22 PROSPECTIVE JUROR: No.

23 THE COURT: Do you believe you could be a fair and
24 impartial juror weighing the evidence objectively?

25 PROSPECTIVE JUROR: I do. I have one other item as

1 well.

2 THE COURT: What is that?

3 PROSPECTIVE JUROR: My brother was convicted of the
4 same crime and served time for it.

5 THE COURT: And what crime is that?

6 THE WITNESS: Child pornography.

7 THE COURT: Now, in light of your brother's prior
8 conviction, do you think that would impact or make it difficult
9 for you to be a fair and impartial juror in this case weighing
10 the evidence introduced in this proceeding only?

11 PROSPECTIVE JUROR: I think I could be fair. It's
12 tough to say depending on what comes up how that affects you,
13 you know. It was very personal. It was hard for the family.
14 He served time for what he deserved, like what he did, and he
15 even owns up to it. So I believe in our justice system, I just
16 felt that was important to mention.

17 THE COURT: And I thank you for that.

18 All right. Let me turn it over to Mr. Schiller.

19 MR. SCHILLER: Thank you, Judge.

20 Good morning, Mr. Sopher.

21 PROSPECTIVE JUROR: Good morning.

22 EXAMINATION

23 BY MR. SCHILLER:

24 Q Your brother's case, where did it occur?

25 A It was federal, he was in Maryland.

1 Q Okay. Did you participate in the case at all?

2 A No, I didn't go up there. I just couldn't stomach the
3 whole situation at the time. I had a lot going on with work,
4 and I didn't, you know.

5 Q Had you had a close relationship with your brother prior to
6 his arrest?

7 A We talk; we are not best friends, but we certainly talk and
8 I felt for him. I went to see him, you know. It was -- I
9 didn't -- I certainly didn't agree with what he did, but I was
10 there for him as a brother, so he -- you know, he wanted to end
11 his life during that period of time, so I was there to support
12 him.

13 Q All right, thank you.

14 He was prosecuted in the District of Maryland, to
15 your knowledge?

16 A I don't -- like I said -- well, it was federal so
17 whatever -- you know, whatever that means. He was --

18 Q But to your knowledge, everything kind of stayed in
19 Maryland?

20 A I think so. I mean, he did his time in New Jersey.

21 Q Okay, fair enough.

22 And how long ago did this happen?

23 A In '09, '10, something like that. I think he has been out
24 a few years. He was in for like nine.

25 Q So in 2009, he went to prison or he was released from

1 prison?

2 A I think that's when he got -- when this whole thing came
3 up, and then it took maybe a year to run the court system.

4 Q And are you aware of how much prison time he served?

5 A I think nine years.

6 Q Nine years, okay. So he was released pretty recently?

7 A Yeah, two, three years ago, I guess, maybe two.

8 Q Did you -- I know you said you went to visit him. Did you
9 attend any court hearings at all?

10 A No.

11 Q Were you interviewed by any law enforcement officers?

12 A No.

13 Q Was there any search conducted at your premises or anything
14 to do with you at all?

15 A No.

16 Q Do you know which agency investigated him, whether it was
17 FBI or Homeland Security?

18 A FBI.

19 Q FBI, okay.

20 Do you know why he was investigated for child
21 pornography, like what the basis of the investigation was, in
22 other words how they found him?

23 A Yeah.

24 Q Can you just tell us a little about that?

25 A He was involved in group sharing pictures, and they shared

1 pictures over state lines and that's how it became federal.

2 THE COURT: One more minute, Mr. Schiller.

3 MR. SCHILLER: Thank you.

4 BY MR. SCHILLER:

5 Q I assume using the internet then.

6 A Yes.

7 Q And do you know what they were using to communicate,
8 whether it was e-mail or an application or something of that
9 nature?

10 A I'm not entirely clear. I think it was some sort of share
11 filing thing, but I really not exactly sure.

12 Q Lastly, is there any reason why, if you were a juror on
13 this case, based on your experiences, that you would
14 automatically find the defendant guilty or automatically find
15 him not guilty, or would you consider the evidence in this case
16 to judge your determination?

17 A Knowing what he went through and all that, it's hard not to
18 have a feeling that there is a reason he is behind the table
19 here in this room.

20 Q Okay, understood. Can you put that aside and be fair and
21 impartial, though?

22 A Yeah, I think so.

23 MR. SCHILLER: Thank you, nothing further, Judge.

24 THE COURT: Mr. Berry.

25 MR. BERRY: Yes, Judge, just one moment.

EXAMINATION

BY MR. BERRY:

Q So obviously, Mr. Spearman is sitting here accused of child pornography-related offenses; you know, we have concerns based on what you have told us about whether this is the right case for you. Can you understand why we might have those concerns?

A I do.

Q Do you think we should be concerned about having you sit on a jury where Mr. Spearman's -- you know, the rest of his life is at issue? Do you think we should be concerned about you specifically based on what you have told us?

A I could see why you would feel that way. I'm fair to hearing both sides of an argument.

Q One of the things that you just mentioned as Mr. Schiller was asking you questions, I think what you said was that based on what your brother went through, you believe there must be a reason why he is here today. I'm assuming you were referring to Mr. Spearman.

A Yes.

Q What do you mean by that? Why do you say that?

A I guess I'm putting myself just related to the history of my brother. There is a certain amount of evidence that was most likely seen and connected to that gentleman to find him in this room.

Q So one of the things that Judge Cannon had mentioned

1 earlier to the entire panel of jurors was that, you know, if
2 you were to go back to deliberate right now, at this very
3 moment, under the law, your verdict would have to be not
4 guilty; do you remember her talking about that?

5 A I do, yeah.

6 Q So we want jurors who can really -- in their heart, can
7 start with that premise that, right now as we sit here, he is
8 innocent.

9 THE COURT: One minute.

10 BY MR. BERRY:

11 Q Based on your feeling that there must be a reason why he is
12 here, do you really think you can do that in this case?

13 A I'm responsible for following the law, so I guess I would
14 have to follow the law. It just, again, given the -- given
15 my -- what's gone on in my life, it is certainly in the back of
16 my head.

17 Q Do you have a reasonable doubt about whether you can follow
18 the law in this particular case because of the things you have
19 mentioned today?

20 A What does that mean exactly? You are saying -- do I doubt
21 that I could do that you are saying?

22 Q Yeah, you have doubt and with some reason.

23 A I think -- I think following the law is more -- you know,
24 it -- like the Judge said, like it's got to override any other
25 feeling it is supposed to, so I have to follow the law.

1 THE COURT: Thank you.

2 All right. Thank you very much, Mr. Sopher. You may
3 go use the restroom. Please don't lose your paddle. We will
4 call you back in with the full group; and also, don't discuss
5 these matters.

6 (Prospective Juror 23 exits courtroom; Prospective.
7 Juror 26 enters courtroom)

8 THE COURT: All right.

9 Hello, ma'am. Juror Number 26, can you tell us your
10 name again, please?

11 PROSPECTIVE JUROR: Ashlee Register.

12 THE COURT: Thank you, I think we had an opportunity
13 earlier to discuss your ability to be fair and impartial. I
14 think you indicated that given the nature of the case, you
15 would not be able to. Is that still your belief, ma'am?

16 PROSPECTIVE JUROR: It would be difficult.

17 THE COURT: And sometimes things are difficult; but
18 nevertheless, we are called upon to administer and to execute
19 our oaths, so my question to you is: Would you be able to be
20 fair and impartial in this case evaluating the evidence
21 presented in the courtroom only and the law as it is given to
22 you?

23 PROSPECTIVE JUROR: I don't know if I could focus on
24 the law given the nature of the case and the potential evidence
25 being presented. I'm afraid my emotions may overtake

1 everything else.

2 THE COURT: All right.

3 Brief questioning, Mr. Schiller, if any?

4 MR. SCHILLER: No, Your Honor; thank you.

5 THE COURT: All right.

6 Any from Mr. Berry?

7 MR. BERRY: No, Your Honor. Thank you.

8 THE COURT: Thank you, Ms. Register; you may be
9 excused and please hold onto your paddle and don't discuss
10 these matters.

11 (Prospective Juror 24 leaves courtroom; Prospective.
12 Juror 28 enters courtroom)

13 THE COURT: Good morning, still.

14 Please tell me your juror number and your name.

15 PROSPECTIVE JUROR: Twenty-eight, Terri Dalman.

16 THE COURT: Good morning.

17 PROSPECTIVE JUROR: Good morning.

18 THE COURT: What would you like to share with the
19 Court, ma'am?

20 PROSPECTIVE JUROR: Well, I was okay with everything
21 I was hearing until I had to see images. I don't feel I can do
22 that with child pornography.

23 THE COURT: And that's very understandable, ma'am. I
24 understand the difficulty associated with that task. Now, what
25 I will say is that what is anticipated in this case is, so you

1 are aware, a very limited number of child pornography. There
2 will be additional references we anticipate of a graphic sexual
3 nature. And it is important for both sides that the evidence
4 can be presented and that arguments could be made appropriately
5 from that evidence. Of course, this case is important for both
6 the government and the defendant.

7 Having heard all of that, is it your belief that you
8 could be fair and impartial if chosen to serve as a juror in
9 this case?

10 PROSPECTIVE JUROR: I think I could, but this is a
11 tough one. I hope so.

12 THE COURT: All right. And thank you, I'm going to
13 turn it over now for some brief questioning by the government.

14 Mr. Schiller, anything for Ms. Dalman?

15 MR. SCHILLER: Just one follow-up, Judge, if I may.

16 EXAMINATION

17 BY MR. SCHILLER:

18 Q Good morning, ma'am.

19 A Hi.

20 Q Hi. So obviously, nobody wants to look at those kinds of
21 images ever.

22 A Not at all.

23 Q We understand that. Sometimes, though, in a criminal jury
24 trial, we have to look at things because it is evidence and we
25 have to make determinations about things. In a murder trial,

1 there might be pictures of dead bodies; if a gun trial, there
2 might be pictures of a gun or an actual gun. So are you able
3 to sit here and listen to the evidence even though it includes
4 these images or descriptions of the images and fairly determine
5 whether the defendant is guilty or not guilty and not let just
6 those images make your mind up for you?

7 A Right. I hope -- if it was a murder trial, I would be on
8 it, you know, I love watching that stuff. This is something
9 that as soon as she said "images," I don't want to see them. I
10 have a hard time with that.

11 Q Do you think it would cloud your judgment or do you think
12 it is just hard to do it and you don't want to?

13 A It is hard to deal with seeing that. I don't think it
14 would cloud my judgment, but I don't like the fact of -- you
15 know, I don't know how many you are going to show or what they
16 are.

17 Q Fair enough.

18 A If it was murder -- there are things I can handle; but a
19 child and porn and that kind of thing, that's probably the
20 worst thing to see and I don't want to see it. I don't want it
21 in my head.

22 Q No, and I understand; and we thank you for your candor.

23 A You know, I was good until that.

24 Q Do you think, though, that it's going to prevent you from
25 being fair in this trial? That's really the ultimate

1 question --

2 A No, I think I could be fair. Yeah, I would hope I could
3 be.

4 Q Do you think just seeing those images or hearing a
5 description of them will make you automatically find the
6 defendant guilty or not guilty, or you will listen to all the
7 evidence before you render a verdict?

8 A I would listen to the evidence.

9 MR. SCHILLER: Nothing further.

10 THE COURT: Mr. Berry --

11 Excuse me, ma'am; Mr. Berry has as chance to speak
12 with you as well.

13 MR. BERRY: Good morning, ma'am.

14 Good morning.

15 EXAMINATION

16 BY MR. BERRY:

17 Q So, you know, if you sit on the jury in this case, if you
18 are a juror, you are going to have to look at that stuff.

19 A I know, that's why I'm here right now.

20 Q No, I get it. I guess my question is: If that happens,
21 what are you going to do?

22 A I don't know how I would react. You know, I'm a little
23 bit -- it bothers me now. I'm telling you, I don't know if I
24 would be a good one.

25 THE COURT: I understand.

1 BY MR. BERRY:

2 Q Are you willing to actually look at those images if they
3 are presented to you?

4 A I turn away from things, you know, that -- so to be forced,
5 I don't know. I mean, I may glance and look away. I don't
6 know what I would do, I have never experienced this.

7 Q Do you think there is a possibility that if that was some
8 of the evidence in this case and you were on the jury that you
9 might, when you are considering this case, you might actually
10 just not --

11 A Look away?

12 Q Might not consider or evaluate that particular piece of
13 evidence?

14 A Maybe not like I should. I don't know because I wouldn't
15 want to sit there and study it, you know. So I was good with
16 everything until I heard that in here and then something come
17 over me. I don't know that I could -- I don't want to see it.

18 THE COURT: All right. Thank you very much, we are
19 all done at the moment.

20 Ms. Dalman, you can exit. Please don't lose your
21 paddle and don't discuss these matters.

22 Ms. Casissi, how many more do we have for this
23 question?

24 THE COURTROOM DEPUTY: Four, Your Honor.

25 THE COURT: All right.

1 (Prospective Juror 28 leaves courtroom; Prospective.
2 Juror 42 enters courtroom)

3 THE COURT: Please tell me your name and juror
4 number.

5 PROSPECTIVE JUROR: Kelly Goetz, 42. I am sorry, I
6 know I already said like a hundred things.

7 THE COURT: You don't have to apologize. This is a
8 thorough and comprehensive process, so we just ask you to
9 participate in a candid way.

10 I know you have indicated previously you have some
11 scheduling concerns, and you have also indicated your
12 perspective about law enforcement.

13 At this point, I'm going to just ask the attorneys
14 whether they have any additional questioning for Ms. Goetz.

15 MR. SCHILLER: None from the government, Your Honor.

16 THE COURT: Mr. Berry?

17 MR. BERRY: No; thank you, Judge.

18 THE COURT: Thank you, Ms. Goetz. Please don't loose
19 your paddle or discuss these matters. We will see you
20 momentarily.

21 (Prospective Juror 42 leaves courtroom; Prospective.
22 Juror 43 enters courtroom)

23 THE COURT: Hello, ma'am.

24 Please equip her with the microphone.

25 Good morning. If you prefer to be seated, that's

1 fine as well.

2 Your name, please.

3 THE WITNESS: Sherry Thompson.

4 THE COURT: Your juror number?

5 PROSPECTIVE JUROR: Forty-three.

6 THE COURT: Thank you.

7 All right. What would you like to share with the
8 Court and the attorneys and parties in the case?

9 PROSPECTIVE JUROR: I am a victim of child
10 molestation and pornography many, many years ago, so this would
11 be hard for me.

12 THE COURT: Thank you for your candor. I know these
13 matters are very difficult to discuss.

14 Mr. Schiller.

15 MR. SCHILLER: No questions, Your Honor.

16 THE COURT: Mr. Berry?

17 MR. BERRY: No questions, Judge.

18 THE COURT: All right. Thank you, Ms. Thompson.

19 Please hold on to your paddle and don't discuss these
20 matters with the other jurors, we will call you back in a few
21 moments.

22 (Prospective Juror 43 leaves courtroom; Prospective.
23 Juror 50 enters courtroom)

24 THE COURT: Hello, Ms. Sleeper. Please remind me of
25 your juror number.

1 PROSPECTIVE JUROR: Fifty.

2 THE COURT: All right. What would you like to share
3 with the Court?

4 PROSPECTIVE JUROR: My daughter was sexually molested
5 when she was seven years old, and it has ripped my family
6 apart. She is 40 now and still in therapy, so I'm not sure I
7 could be impartial.

8 THE COURT: Mr. Schiller?

9 MR. SCHILLER: Nothing, Your Honor. Thank you.

10 THE COURT: Mr. Berry?

11 MR. BERRY: No, thank you, Judge.

12 THE COURT: Thank you, Ms. Sleeper. Please hold on
13 to your paddle and we will see you momentarily, don't discuss
14 these matters.

15 (Prospective Juror 50 leaves courtroom)

16 THE COURTROOM DEPUTY: That's it, Your Honor.

17 THE COURT: I'm hearing from the courtroom deputy
18 there are no additional jurors seated in the courtroom in
19 response to the Court's question, so what we are going to do
20 for purposes of attorneys and the court reporter and the
21 parties is to take a ten-minute break until 11:17. So please
22 return promptly to the courtroom at that time.

23 (Recess was had at 11:06 A.M.; and the proceedings
24 Resumed at 11:18 A.M.)

25 THE COURT: We are waiting for the defendant, we will

1 stand by and hold on.

2 You may all be seated.

3 MS. McCRAE: Your Honor, we actually got a larger
4 pair of pants for him. These pants buckle, but they are pretty
5 tight.

6 THE COURT: All right. He can change later, but we
7 can't delay this right now.

8 As of right now, he is wearing civilian clothes,
9 that's enough for now; but certainly later, you should change.

10 MR. SCHILLER: Judge, I am sorry.

11 If I may, before we bring in the jurors, I know
12 earlier the Court had, because of the amount of room in the
13 courtroom, not allowed the defendant's family to be present;
14 but at this point, since some jurors may be eliminated, but we
15 really feel like the court should be open and made sure that
16 they have the ability to be here, even for jury selection and,
17 frankly, anyone else who wants to be here. We want to, you
18 know, make sure that -- we do see that now there are a few open
19 chairs and so that they would be allowed in the courtroom.

20 THE COURT: All right. Your request is overruled.
21 This is going to be too difficult in terms of spacing. We have
22 50 jurors which is much more than we normally order. There is
23 no additional room in the gallery, and they are all essentially
24 very close together. So thank you for your concerns.

25 Let's call in the jurors.

1 Mr. Schiller, if you want to point the Court to any
2 binding authority --

3 Sorry, Ms. Casissi, one more.

4 -- that would require the Court to permit the
5 defendant's mother in the courtroom at this time, given the
6 space constraints that are unavoidable in the courtroom, I'm
7 happy to listen.

8 MR. SCHILLER: Thank you, Judge.

9 I would point the Court to a United States Supreme
10 Court case, *Presley versus Georgia* at 130 Supreme Court 721,
11 it's a 2010 case; and it does -- having just read it, it does
12 provide that there are some requirements that the Court should
13 find before it does that. Spacing might be an issue, but the
14 Court looked at other possibilities that the trial court could
15 have considered.

16 I haven't had a chance to digest the case and read it
17 in full. I could send it to the Court, if Your Honor wants to
18 read it, as well; but I think we should consider it perhaps.

19 THE COURT: All right. I have considered it; and as
20 I said, because of the spacing concerns, because of the need to
21 request a significantly higher number of jurors in this case
22 given the subject matter, and because the gallery is full at
23 this point along with the juror box, the Court's ruling will
24 remain, and Mr. Spearman's mother is free to join us once the
25 jury selection process has concluded and/or there is truly

1 enough room in the courtroom to make that possible. But at
2 this point, no juror has been excused.

3 So thank you all, let's call in the jurors.

4 MR. BERRY: Judge, if I can just put on the record --

5 THE COURT: Quickly.

6 MR. BERRY: There are some open chairs in the
7 courtroom. We are talking -- we think it should be open to the
8 public at large but --

9 THE COURT: All right. The open chairs that you are
10 referring to are additional chairs that are outside of the
11 gallery. They are chairs that are designed for law enforcement
12 purposes. They are not public chairs, and so that is the
13 ruling.

14 Thank you for your objection, let's call in the
15 jurors.

16 All rise for the jurors.

17 (Venire panel entered the courtroom at 11:25 A.M.)

18 THE COURT: All right. Thank you, you may all be
19 seated.

20 Thank you, ladies and gentlemen for your continued
21 patience, as we go through this process.

22 What is going to happen now is I know all of you
23 filled out questionnaires this morning, when you arrived. I'm
24 going to go through those questionnaires one by one as quickly
25 as possible, starting with Juror Number 1.

Please stand, when you are asked to speak, and let's get started.

EXAMINATION

BY THE COURT:

Q Good morning, sir, please tell me your juror number and name.

A Juror Number 1, Theodore Klember.

Q What do you do for work, sir?

A I work for Frito-Lay.

Q And what do you do for Frito-Lay?

A I'm a route sales representative.

Q I'm sorry, you are trailing off a little bit with the audio.

A Route sales representative.

Q Okay.

A I sell chips to stores.

Q Have you held any other jobs throughout your career?

A Yes.

Q What are those?

A I worked at Publix Supermarkets and I have owned my own pool business.

Q Have you ever worked in law enforcement?

A No.

Q Do you have any close friends or family members who work in law enforcement?

1 A No.

2 Q Have you ever served on a jury before?

3 A No.

4 Q Do you have any minor children?

5 A No.

6 Q All right. Do you have any adult children, and if so, what
7 do they do for work?

8 A I have a 21-year-old son and he goes to college.

9 Q Okay. Have you ever been involved in any court in a
10 criminal matter that concerned yourself, any member of your
11 family or a close friend, either as a defendant, a witness, or
12 a victim?

13 A No.

14 Q All right. Is there anything in your background or
15 experiences, sir, that would impair or impede your ability to
16 be a fair and impartial juror in this case?

17 A No.

18 THE COURT: All right, thank you, you may be seated.

19 EXAMINATION

20 BY THE COURT:

21 Q Juror Number 2, I know we spoke previously. Briefly, what
22 do you do for work, sir?

23 A I spent the last 43 years as a marble and tile contractor
24 in the business; and I currently still have that business, but
25 I'm also a project manager for a builder up in Vero on the

1 beach.

2 Q Have you ever worked in law enforcement, sir?

3 A No.

4 Q Do you have any close friends or family members who work in
5 law enforcement?

6 A No. I have friends, but you know.

7 Q And do any of those friendships -- would they impact your
8 ability to weigh the evidence in this case objectively and
9 fairly?

10 A No.

11 THE COURT: All right, that's all I have for now,
12 sir; thank you.

13 Actually, I'm sorry, if we could hand the microphone
14 back to Juror Number 2, I should ask --

15 BY THE COURT:

16 Q -- have you ever served on a jury before?

17 A No.

18 Q Have you ever been involved in a criminal matter of any
19 kind either as a victim, witness, or defendant?

20 A Other than traffic violations and, you know, having a car
21 stolen from me, no.

22 Q Is there anything in your background or experience, sir,
23 that would impair or impede or make it difficult to be a fair
24 and impartial juror, if chosen to serve on this jury?

25 A No.

1 THE COURT: All right, thank you, you may be seated.

2 EXAMINATION

3 BY THE COURT:

4 Q Good morning, please tell me your name?

5 A Marvin Hurst.

6 Q Juror Number 3?

7 A Three.

8 Q What do you do for work, sir?

9 A I work for Palm Beach County, Department of Airport.

10 Q Did you say Department of Airport?

11 A Yes, ma'am.

12 Q What do you do for that department?

13 A Construction coordinator for the airports.

14 Q Are you married?

15 A Yes.

16 Q What does your spouse do for work?

17 A She works at an orthopedic office.

18 Q Have you ever worked in law enforcement?

19 A No.

20 Q Have any close relatives or friends of yours ever worked in
21 law enforcement?

22 A Yeah. My stepson is a lieutenant in Palm Beach, and I have
23 a lot of friends who are sheriffs.

24 Q We did discuss your stepson's employment previously. Is
25 there anything about his employment or your various friends'

1 employment in law enforcement that would affect your ability to
2 be fair and impartial in this case, if chosen?

3 A No.

4 THE COURT: All right, you may be seated, sir.

5 EXAMINATION

6 BY THE COURT:

7 Q Good morning, Juror Number 4, Ms. Moroldo.

8 I understand from our earlier discussion that you are
9 a pediatrician; is that correct?

10 A Yes. I work in inpatient pediatrics, Tradition.

11 Q Are you married?

12 A Yes.

13 Q What does your spouse do for work?

14 A He is an audio and visual engineer.

15 THE COURT: All right, thank you, you may be seated.

16 EXAMINATION

17 BY THE COURT:

18 Q Good morning, please tell me your name and juror number.

19 A Brenda Nolin, Number 5.

20 Q What do you do for work, ma'am?

21 A I'm retired, but I'm the treasurer and the transfer
22 director of our community.

23 Q How long have you been doing that work?

24 A As treasurer, about six years.

25 Q And what did you do before that job?

1 A We lived in Vermont, and I was the distribution manager for
2 Suburban Propane, a propane company.

3 Q Are you married?

4 A Yes.

5 Q What does your spouse do for work?

6 A He is the maintenance and groundskeeper where we live.

7 Q Have either of you ever worked in law enforcement?

8 A No.

9 Q Do you have any close friends or family members who work in
10 law enforcement?

11 A A son-in-law is a U.S. Marshal.

12 Q Is there anything about your son-in-law's employment with
13 the marshal service that would impact your ability to be fair
14 and impartial if chosen to serve on this jury?

15 A I don't think so, no.

16 Q And of course, I'm sure you can understand that the goal of
17 this process is to select a jury that can be fair and
18 impartial. I think you said you didn't think you would have a
19 problem being fair and impartial. Do you have any hesitation
20 in that regard, ma'am?

21 A My son-in-law was on the sex offender squad, as you call
22 it, so that kind of gives me a little bit of hesitation.

23 Q I think I indicated this previously; but of course, this
24 case must be judged solely on the evidence presented in this
25 courtroom related to this case only and no other case. So

1 knowing that, do you think you could uphold that oath, if
2 chosen to serve as a juror?

3 A Yes.

4 THE COURT: All right, thank you, ma'am. You may be
5 seated.

6 EXAMINATION

7 BY THE COURT:

8 Q Good morning, sir.

9 I know you indicated earlier, Juror Number 6, that
10 you have some language difficulties. Can you tell me a little
11 bit more about what you do for work?

12 A Yeah. I'm a welder.

13 Q Can you describe at all any steps you have taken to study
14 the English language and anything else you wish to offer with
15 respect to your English knowledge?

16 A I don't understand what you say.

17 Q Okay. Are you married, sir?

18 A Yes.

19 Q What does your spouse do for work?

20 A She is a dental assistant.

21 Q Have you had any trouble understanding what I have said
22 throughout these -- this morning?

23 A No.

24 Q So have you understood everything I have said?

25 A A little bit. I don't understand too much. It's, you

1 know, too hard for me.

2 THE COURT: Okay. All right. Thank you, sir; you
3 may be seated.

4 EXAMINATION

5 BY THE COURT:

6 Q Good morning, Juror Number 7. Please tell me your name.

7 A Good morning. My name is Ana Parano.

8 Q What do you do for work?

9 This is Juror 7?

10 A Yes, I'm a registered nurse.

11 Q Did you say a research nurse?

12 A Registered nurse.

13 Q Oh, registered nurse, okay.

14 And how long have you been an RN?

15 A For about three years.

16 Q What did you do before that time?

17 A I was a PCT, patient care technician.

18 Q Have you held any other jobs outside of the medical field?

19 A A long time ago, office, like customer service, accounts
20 payable.

21 Q Are you married?

22 A I am.

23 Q What does your spouse do for work?

24 A He is an RN as well.

25 Q Have either you or your husband ever worked in law

1 enforcement?

2 A No.

3 Q Do you have any close friends or relatives who work in law
4 enforcement?

5 A No.

6 Q Have you ever served on a jury before?

7 A No.

8 Q Have you ever been involved in any criminal case either as
9 a victim, witness, or defendant?

10 A Well, I was -- I had an adjudication withheld which is
11 sealed.

12 Q If you would prefer to discuss this in private, that's
13 fine; but otherwise, my question is: Can you briefly describe
14 the nature of that withheld adjudication?

15 A Like what happened?

16 Q Yes. But again, if you prefer to speak in private, that's
17 perfectly acceptable.

18 A Yeah, I will do it privately.

19 Q Okay. All right. We will come back to you later then.
20 Thank you.

21 EXAMINATION

22 BY THE COURT:

23 Q Juror number -- we got mixed up with the seating a little
24 bit. We will skip over 16, who is seated in the jury box, and
25 go to the back row for Juror Number 8.

1 Good morning, sir. Please tell me your name and
2 juror number.

3 A Yes, ma'am. Tyler Simpson is the name, number 8; and yes.

4 Q Great, thank you.

5 What do you do for work, sir?

6 A I own a men's clothing store.

7 Q Have you held any other jobs outside of fashion and retail?

8 A Yes, ma'am. I was a golf professional.

9 Q Have you ever worked in law enforcement?

10 A No, ma'am?

11 Q Are you married?

12 A Yes, ma'am.

13 Q What does your spouse do for work?

14 A She is a paralegal.

15 Q Has she ever worked in law enforcement?

16 A No, ma'am.

17 Q Do you have any close friends or relatives who work in law
18 enforcement?

19 A I have a brother-in-law who is a sergeant in the sheriff's
20 office in Vero Beach, and some friends in the sheriff's office
21 as well.

22 Q Is there anything about your friendships with those
23 individuals or your relationship with your I think you said
24 brother --

25 A In-law.

1 Q -- in-law, okay, that would affect your ability to be fair
2 and impartial, if chosen to serve on this jury?

3 A No, ma'am.

4 Q Okay. Have you ever served on a jury before?

5 A No, ma'am.

6 Q Have you ever been involved in any criminal proceeding,
7 either as a victim, witness, or defendant?

8 A No, ma'am.

9 Q Is there anything in your background or experience, sir,
10 that would affect your ability to be fair and impartial, if
11 chosen to serve on this jury?

12 A No, ma'am.

13 THE COURT: All right. Thank you, you may be seated.

14 PROSPECTIVE JUROR: Number 9, Linda Marciano.

15 EXAMINATION

16 BY THE COURT:

17 Q Good morning, again, Ms. Marciano.

18 I think we spoke previously and you mentioned you had
19 done some IT work. Are you currently employed?

20 A No.

21 Q All right. Have you ever worked in law enforcement?

22 A No.

23 THE COURT: We may have a private sidebar, if
24 necessary, but for now, that's all of the questioning that I
25 have. Thank you, Juror Number 9.

EXAMINATION

BY THE COURT:

Q Let's turn to Juror 10.

A Good morning, ma'am; Edward Leonor.

Q Thank you.

What do you do for work, sir?

A I do construction.

Q How long have you been doing construction?

A Been doing that for -- I have been in the kitchen and bathroom remodels for like 23 years.

Q Have you held any other jobs outside of the construction field?

A No, same thing.

Q Are you married?

A Yes.

Q What does your spouse do for work?

A Stay home.

Q Have you ever worked in law enforcement?

A No, ma'am.

Q Has your wife ever worked in law enforcement?

A No.

Q What about any friends or family members?

A Lots of friends, yes.

Q Is there anything about your friendships with those individuals -- I know you mentioned there are numerous -- that

1 would affect your ability to be fair and impartial if chosen to
2 serve on this jury?

3 A No, ma'am.

4 Q Is there anything else in your background or experiences,
5 sir, that would impact or make it difficult for you to be fair
6 and impartial?

7 A No, ma'am.

8 THE COURT: Thank you, you may be seated, Mr. Leonor.

9 EXAMINATION

10 BY THE COURT:

11 Q Good morning, Mr. Shoudt, you are Juror Number 11; is that
12 correct?

13 A Correct.

14 Q All right. Thank you.

15 What do you do for work, sir?

16 A I'm a truck driver.

17 Q How long have you been a truck driver?

18 A Two-and-a-half decades.

19 Q Wow, okay.

20 Have you ever served on a jury before?

21 A Yes, I have.

22 Q And when was that?

23 A 1992.

24 Q Do you know if that was a federal or a state case?

25 A It was a state case.

1 Q Do you know if it was a civil or criminal matter?

2 A Criminal.

3 Q And do you know if you were the foreperson of that jury?

4 A No, I was not.

5 THE COURT: Okay. All right. We may turn back to
6 you later, if necessary, Mr. Shoudt. Thank you; you may be
7 seated.

8 Let's turn to Juror Number 12.

9 EXAMINATION

10 BY THE COURT:

11 Q Good morning, Ms. Biandis; is that correct?

12 A Korie Biandis.

13 Q Biandis, excuse me.

14 What do you do for work, ma'am?

15 A I work for L3 Harris, a defense contractor in aerospace and
16 airborne.

17 Q How do you spell that?

18 A L, the number, three H-A-R-R-I-S.

19 Q Great, thank you.

20 All right. What do you do for that contractor?

21 A I'm a graphic designer.

22 Q Are you married?

23 A No.

24 Q Have you ever served on a jury before?

25 A No.

1 Q Have you ever been involved in any criminal cases or
2 proceedings involving yourself, any member of your family, or a
3 close friend?

4 A No, ma'am.

5 THE COURT: All right. Thank you very much. We may
6 come back to you later, if necessary.

7 Let's turn to Juror 13.

8 EXAMINATION

9 BY THE COURT:

10 Q Good morning, sir.

11 A Good morning.

12 Q Please tell me your name and your profession.

13 A Daniel Gonzalez-Quevedo, business owner, attorney, and real
14 estate developer.

15 Q Are you practicing law at the moment, sir?

16 A I do every once in a while.

17 Q What type of law?

18 A I do a lot of different things. I have done civil cases, I
19 have done some criminal cases.

20 Q Do you practice in the State of Florida or elsewhere?

21 A State of Florida.

22 Q Okay. When you say you're a business owner, what kind of
23 business do you own?

24 A Electrical wholesale business. It is a family business
25 down in Miami.

1 Q Have you held any other jobs outside of those fields you
2 have indicated, the electrical business, the attorney, and the
3 real estate development?

4 A No, I have not, Your Honor.

5 Q Okay. Are you married?

6 A On paper, yes.

7 Q What does your on-paper spouse do for work?

8 A Model.

9 Q Okay. Have you ever served on a jury before?

10 A No, I have not, Your Honor.

11 Q Have you ever been involved, outside of your work as an
12 attorney, in a criminal case either as a defendant, a victim,
13 or a witness?

14 A No, I have not personally.

15 Q Is there anything in your background or experiences, sir,
16 that would impact your ability to be fair and impartial if
17 chosen to serve as a juror in this case?

18 A No, Your Honor.

19 THE COURT: All right, thank you very much, Juror 13;
20 you may be seated.

21 EXAMINATION

22 BY THE COURT:

23 Q Good morning, sir. Please remind me of your name.

24 A David Hall.

25 Q Okay. What do you do for work at the moment?

1 A I work for Treasure Coast Hospice as the director of
2 operations.

3 Q Have you ever worked in law enforcement?

4 A No.

5 Q Do you have any friends or close --

6 A I have an uncle who is retired from the Boston Police
7 Department, my uncle.

8 Q Sometimes, it is tricky when we talk over one another, so
9 let's try to help out our court reporter.

10 You said you have an uncle, I think, in law
11 enforcement?

12 A He is retired.

13 Q Okay. Is there anything about your uncle's former
14 employment that would affect your ability to be fair and
15 impartial?

16 A No.

17 Q Do you have any other friends or relatives in law
18 enforcement?

19 A No.

20 Q Are you married?

21 A No.

22 THE COURT: Okay. That's all for now. Thank you,
23 sir.

24 PROSPECTIVE JUROR: Juror Number 15, Jason Holden,
25 I'm a high school physical education teacher.

1 THE COURT: Thank you, Mr. Holden.

2 EXAMINATION

3 BY THE COURT:

4 Q Have you held any other jobs outside of the PE teaching
5 field?

6 A No, ma'am, just high school/college, you know, bag boy,
7 that type of thing.

8 Q Have you ever worked in law enforcement?

9 A No.

10 Q Are you married?

11 A Yes.

12 Q What does your spouse do for work?

13 A My wife is an elementary teacher.

14 Q Has she ever worked in law enforcement?

15 A No.

16 Q Do you have any other close friends or relatives who work
17 in law enforcement?

18 A I have one close friend who is a sheriff's deputy.

19 Q Is there anything about your friendship with that person
20 that would impact your ability to be fair and impartial?

21 A No, Your Honor.

22 Q Now have you ever served on a jury before?

23 A Never.

24 Q Have you ever been involved in any criminal cases either as
25 a defendant, victim, or witness?

1 A Never.

2 Q What about any members of your family?

3 A No.

4 Q Is there anything in your background or experiences, sir,
5 that would impact or affect your ability to be fair and
6 impartial, if chosen to serve?

7 A No.

8 THE COURT: All right, thank you, Mr. Holden; you may
9 be seated. Just a reminder, you said Juror 15; is that
10 correct?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Okay. All right, we are now at Juror 16.

13 EXAMINATION

14 BY THE COURT:

15 Q Good morning, sir.

16 A Good morning.

17 Q Please tell me your name.

18 A Bobby Byrd, B-Y-R-D.

19 Q Thank you.

20 What do you do for work?

21 A Currently, I work for the City of Port St. Lucie,
22 construction inspector.

23 Q How long have you been doing that work, sir?

24 A Six years.

25 Q What did you do before that job?

1 A I retired from the Martin County Engineering Department as
2 a project manager.

3 Q Have you ever worked in law enforcement?

4 A No.

5 Q Are you married?

6 A Yes.

7 Q What does your spouse do for work?

8 A She works for the Department of Motor Vehicles.

9 Q What does she do for the Department of Motor Vehicles?

10 A I think she is a clerk.

11 Q Has she ever worked in law enforcement, to your knowledge?

12 A No.

13 Q Do you have any other close friends or relatives who work
14 in law enforcement?

15 A I have a daughter who is an FBI agent and son-in-law who is
16 a U.S. Marshal, and plenty of friends that are in law
17 enforcement.

18 Q You said "plenty of friends in law enforcement," okay. Is
19 there anything, sir, about your daughter or your son-in-law's
20 work in law enforcement or any of the other friends you have
21 mentioned who work in law enforcement that would impact your
22 ability to weigh the evidence in this case objectively, based
23 on the law as it is instructed?

24 A No.

25 Q Have you ever served on a jury before?

1 A No.

2 Q Have you ever been involved as a victim, witness, or
3 defendant in a criminal case?

4 A No.

5 Q And finally, anything else in your background or
6 experiences, sir, that would affect your ability to be fair and
7 impartial?

8 A No.

9 THE COURT: Thank you, Mr. Byrd; you may be seated.

10 We are now at Juror 17.

11 PROSPECTIVE JUROR: My name is William S. Curren.

12 EXAMINATION

13 BY THE COURT:

14 Q Thank you, sir.

15 A I'm an electrical contractor, beef ranch, dairy operator in
16 Okeechobee.

17 Q I didn't catch all of what you said. I think you said
18 electrical contractor and then I missed the rest. Can you tell
19 me --

20 A Dairy farmer, beef producer, pilot, golfer, I'll admit it
21 so...

22 Q Sounds like you do a lot of things that are interesting,
23 thank you, sir.

24 All right. Have you ever worked in law enforcement?

25 A No, ma'am.

1 Q Okay. Are you married?

2 A No, ma'am.

3 Q Have you ever served on a jury before?

4 A No, ma'am.

5 Q Have you ever been involved in a criminal case --

6 A No, ma'am.

7 Q -- as a victim, witness, or defendant?

8 A No, ma'am.

9 Q Okay. Let's see here.

10 All right. Is there anything in your background or
11 experiences, sir, that would affect your ability to be fair or
12 impartial, if chosen to serve?

13 A No, Your Honor.

14 THE COURT: Thank you very much, Mr. Curren; you may
15 be seated.

16 EXAMINATION

17 BY THE COURT:

18 Q Good morning.

19 A Good morning.

20 Q Please tell me your name and your juror number.

21 A Donna Carrillo, number 18.

22 Q What do you do for work?

23 A I'm retired.

24 Q And what did you do before you retired?

25 A I was a medical secretary for Kaiser Permanente, OR

1 secretary, unit secretary.

2 Q Okay. Have you ever worked in law enforcement?

3 A No.

4 Q Are you married?

5 A Yes.

6 Q What does your spouse do for work?

7 A He is retired plumber.

8 Q Okay. Has he ever worked in law enforcement?

9 A No.

10 Q Do you have any other close friends or relatives who work
11 in law enforcement?

12 A Not currently. My son-in-law was CHP in California over 20
13 years ago.

14 Q Is there anything about your son-in-law's prior employment
15 for the highway patrol many years ago that would affect your
16 ability to be fair and impartial, ma'am?

17 A No.

18 Q Have you ever served on a jury?

19 A Yes.

20 Q And when was that, if you remember?

21 A Between 20, 25 years ago, a murder case.

22 Q Do you remember if you were the foreperson?

23 A No, I was not.

24 Q Okay. And do you remember if the jury reached a verdict
25 without telling me what it was?

1 A We did.

2 Q Okay. Anything in your backgrounder or experiences, ma'am,
3 that would affect your ability to be fair and impartial?

4 A No.

5 THE COURT: All right, thank you. You may be seated.
6 Let's turn now to Juror 19.

7 EXAMINATION

8 BY THE COURT:

9 Q Mr. Lawrence Tatum.

10 A Hi, good morning; my name is Lawrence Tatum, Juror
11 Number 19.

12 Q What do you do for work, sir?

13 A I'm a heavy equipment operator.

14 Q How long have you been doing that?

15 A About 20 years.

16 Q What did you do professionally before that job, if
17 anything?

18 A Construction.

19 Q Okay. Have you ever worked in law enforcement?

20 A No, ma'am.

21 Q Are you married?

22 A Yes, ma'am.

23 Q What does your spouse do for work?

24 A She owns a cleaning business.

25 Q Okay. Has she ever worked in law enforcement?

1 A No, ma'am.

2 Q Do you have any close friends or relatives who work in law
3 enforcement?

4 A Yes, ma'am.

5 Q Can you describe a little bit about those relationships?

6 A Son-in-law, for the Martin County Sheriff's Office
7 Department.

8 Q Any others?

9 A Good friends with the sheriff's department.

10 Q Is there anything about your experience or your friendships
11 or relationships with those folks that would impact your
12 ability to be fair and impartial, sir?

13 A No, ma'am.

14 Q Have you ever served on a jury before?

15 A No, ma'am.

16 Q Have you ever been involved in a criminal case as a victim,
17 witness, or defendant?

18 A Yes, ma'am.

19 Q And if you prefer to speak in private, that's fine.

20 A I would.

21 THE COURT: Okay, then we will make that happen.

22 Thank you, Mr. Tatum. I'll jot that down.

23 You may be seated.

24 PROSPECTIVE JUROR: Thank you.

25 THE COURT: All right, we are at Juror 20.

EXAMINATION

BY THE COURT:

Q Good morning.

A My name is Maribel Debinion. I'm Juror Number 20.

Q Good morning, Ms. Debinion. What do you do for work?

A I'm an import specialist for U.S. Customs and Border Protection, duty station Miami.

Q How long have you worked for CBP?

A It's going to go on ten years next year, so nine currently.

Q What did you do before joining that agency?

A I was with Social Security Administration for five years.

Q And what were you doing for the Social Security Administration?

A I worked in the hearings office as a technician. I forgot the name, the title.

Q That's okay.

A I worked for judges, like I was a judge's assistant.

Q Got you.

Are you married?

A I am.

Q And what does your spouse do for work?

A He is a district distribution manager for Ipex Company. It has to do with PVC piping in Fort Pierce.

Q Has he ever worked in law enforcement?

A He is a veteran. He was in the army for 12 years.

1 Q Now, is there anything about your current employment for
2 CBP or your prior work for the Social Security Administration
3 that would in any way impact your ability to be fair and
4 impartial, if chosen to serve as a juror?

5 A No.

6 Q Is there anything about your husband's status as a veteran
7 or his prior work in the military that would impact your
8 ability to be fair or impartial?

9 A No.

10 Q Have you ever served on a jury before?

11 A I have.

12 Q And when was that, if you remember?

13 A I want to say early '90s. It was a state civil. It was an
14 accident -- car accident, and I was not the foreperson.

15 Q Do you know if the jury reached a verdict?

16 A We did.

17 Q Okay. Have you ever been involved in a criminal case as a
18 victim, witness, or defendant?

19 A No, ma'am.

20 Q And then I should specify, have you ever had to testify in
21 your capacity as a CBP officer?

22 A I have not. I am not uniformed.

23 Q Okay. Is there anything in your background or experiences,
24 ma'am, that would affect your ability to be fair and impartial?

25 A No, ma'am.

1 THE COURT: Thank you, you may be seated.

2 EXAMINATION

3 BY THE COURT:

4 Q Good morning. We are at Juror 21, Mr. Winter.

5 A Vincent Winter, Juror 21.

6 Q Thank you, sir.

7 What do you do for work?

8 A Retired.

9 Q And prior to retirement, what did you do?

10 A Design and sales for kitchen cabinetry, retail and
11 wholesale.

12 Q Have you held any other jobs besides that kitchen retail/
13 wholesale work?

14 A Yes. I have been involved in commercial construction as a
15 project manager and business development manager. And prior to
16 that, I was involved in residential construction as a home
17 builder.

18 Q Have you ever worked in law enforcement?

19 A No, ma'am.

20 Q Are you married?

21 A Yes.

22 Q What does your spouse do?

23 A Retired. She was a partner in the kitchen cabinetry
24 business; and prior to that, she was a grant writer and a fund
25 raiser for nonprofits.

1 Q Do you have any close friends or relatives who work in law
2 enforcement?

3 A I do not.

4 Q Have you ever served on a jury before?

5 A No.

6 Q Have you ever been involved in a criminal case as a
7 defendant, victim, or witness?

8 A No, I haven't.

9 Q All right. Is there anything in your background or
10 experiences, sir, that would impact your ability to be fair and
11 impartial weighing the evidence in this case objectively and
12 fairly to both sides?

13 A No.

14 THE COURT: All right. Thank you very much,
15 Mr. Winter; you may be seated.

16 PROSPECTIVE JUROR: You're welcome.

17 EXAMINATION

18 BY THE COURT:

19 Q Juror 22, hello.

20 A Hi, I'm Sharon Ardito, number 22.

21 Q Thank you, Sharon or Ms. Ardito.

22 What do you do for work?

23 A I'm a retired business owner of 25 years, and I'm also an
24 election worker in Martin County. So whenever there is an
25 election, I work.

1 Q And I think you said you are a retired business owner. If
2 you could just speak a little bit slowly for the benefit of our
3 court reporter, we would appreciate it.

4 What sort of business was that?

5 A My husband and I owned an internet business where we sold
6 goodies bags and novelties for children's parties.

7 Q And how long ago did you work in that business?

8 A We retired last July, so less than a year ago, we retired.

9 Q Have you ever worked in law enforcement?

10 A No.

11 Q What about your husband?

12 A No.

13 Q Do you have any close friends or relatives who work in law
14 enforcement?

15 A No.

16 Q Have you ever served on a jury before?

17 A About 35 years ago, I was on a civil state case. I don't
18 even remember what it was, but it settled before deliberations.

19 Q All right. Have you ever been involved in a criminal case
20 as a victim --

21 A No.

22 Q -- witness or defendant?

23 A No.

24 Q Anything in your background or experiences, ma'am, that
25 would impede or affect your ability to be fair and impartial?

1 A No.

2 THE COURT: All right. Thank you, you may be seated,
3 Ms. Ardito.

4 EXAMINATION

5 BY THE COURT:

6 Q All right. Good morning. Please tell me your juror number
7 and name.

8 A James Sopher, Juror 23.

9 Q Thank you.

10 What do you do for work, sir?

11 A Construction manager for a real estate developer.

12 Q How long have you been engaged in that work?

13 A With this company, about almost ten years. Prior to that,
14 about 16 as a general contractor, project manager.

15 Q Have you ever worked outside of the construction field?

16 A Prior to college.

17 Q Doing what sort of work?

18 A Various things related to construction, and then other just
19 side jobs, painting, handyman, surveyor, all sorts of
20 restaurants.

21 Q Understood.

22 Are you married, sir?

23 A Yes.

24 Q What does your spouse do for work?

25 A Aesthetician.

1 Q All right. Has she ever worked in law enforcement?

2 A No.

3 Q Do you have any close friends or relatives who work in law
4 enforcement?

5 A I do.

6 Q And is there anything about your friendships or association
7 with those individuals that would impact your ability to be
8 fair and impartial in this case?

9 A No.

10 Q Anything else, sir, that we haven't already discussed that
11 would impact your ability to be fair and impartial, if chosen
12 to serve as a juror?

13 A No.

14 THE COURT: All right, thank you; you may be seated.

15 All right. We are now at Juror 24.

16 EXAMINATION

17 Q Sir, please tell me your name and what you do for work.

18 A I'm Conrad Stegner, Juror 24, and I'm retired.

19 Q And prior to retirement, what did you do?

20 A I worked with mainframe computers for a bank.

21 Q Can you describe a little bit more what you mean by working
22 with mainframe computers?

23 A I wrote COBOL code and assembly language code.

24 Q Did you go to school for any specialized computer training?

25 A I majored in computer science, but we are talking about

1 decades ago.

2 Q Would you consider yourself an expert or something close to
3 that in the field of computers?

4 A Mainframe computers. I know nothing about web development
5 which is why I didn't speak up when you were talking about web
6 development.

7 Q Okay. Have you ever worked in law enforcement?

8 A No.

9 Q Are you married?

10 A Yes.

11 Q What does your spouse do for work?

12 A She is also retired. She worked in customer service for a
13 large bank also.

14 Q Have either of you ever worked in law enforcement?

15 A No.

16 Q Any friends or family that has worked in law enforcement?

17 A My brother-in-law is retired from the Detroit Police
18 Department.

19 Q Anything about his prior work that would impact your
20 ability to be fair and impartial, sir?

21 A No, ma'am.

22 Q Have you ever served on a jury before?

23 A Yes, I have, around 2007. It was a civil case, a state
24 case, in Virginia; and yes, I was the foreperson.

25 Q Okay. Without telling me what the verdict was, do you know

1 if the jury reached a verdict?

2 A Yes, we did.

3 Q Anything in your background or experiences, sir, that would
4 affect your ability to be fair and impartial, if chosen to
5 serve as a juror in this case?

6 A Not that I can think of.

7 THE COURT: Thank you, sir; you may be seated.

8 EXAMINATION

9 BY THE COURT:

10 Q Please tell me your juror and name.

11 A Number 25, Sam Crawford.

12 Q What do you do for work, Mr. Crawford?

13 A I work in the conservation field, primarily herbicide
14 application.

15 Q Can you tell me a little bit more in practical terms what
16 you do day-to-day?

17 A I work in natural areas, and I control invasive plants.

18 Q Okay. Have you held any other jobs outside of that field?

19 A Many: Retail sales, wildlife rehabilitation, construction,
20 tree trimming, probably restaurants, probably quite a few
21 others I'm missing out there.

22 Q Okay. Any work in law enforcement?

23 A No.

24 Q Are you married?

25 A No.

1 Q Do you have any close friends or relatives who work in law
2 enforcement?

3 A Yes. My grandfather was a police officer and my dad is a
4 retired police officer and I have an uncle that is retired.

5 Q Anything about those family members working in law
6 enforcement, either presently or in the past, that would impact
7 your ability, sir, to be fair and impartial?

8 A No.

9 Q All right. Have you served on a jury before?

10 A No.

11 Q Have you ever been involved in a criminal case as a victim,
12 witness, or defendant?

13 A Yes.

14 Q And again, the offer stands for everybody. If you wish to
15 discuss in private, please let me know; otherwise, briefly
16 state the nature of that case and your role.

17 A I have three cases where I was a defendant, two were drug
18 possession cases and one was a like a disorderly conduct or
19 something of the like.

20 Q Are those cases resolved or are they still pending?

21 A Oh, resolved years and years ago.

22 Q How long ago, if you recall?

23 A Mid '90s for the drug cases, and probably 2010 or so for
24 the disorderly.

25 Q Okay. All right. Anything, sir, about your experience

1 interacting with the criminal justice system that would impact
2 your ability to be fair and impartial if chosen to serve as a
3 juror in this case?

4 A Nope.

5 Q Anything else in your background or experiences that would
6 impact your ability to be fair and impartial?

7 A Nothing.

8 THE COURT: Okay. Thank you, Mr. Crawford, you may
9 be seated.

10 EXAMINATION

11 BY THE COURT:

12 Q Good morning. Are you Ms. Register, Juror 26?

13 A Yes, Ashlee Register.

14 Q All right, excellent. What do you do for work, if
15 anything?

16 A I'm a registered nurse.

17 Q Are you currently employed as a registered nurse?

18 A Yes.

19 Q Have you ever worked in law enforcement?

20 A No.

21 Q And are you married?

22 A Yes.

23 Q What does your spouse do for work?

24 A He is an owner broker of a mortgage company.

25 THE COURT: Got it. All right. That's all I have,

1 thank you, ma'am.

2 EXAMINATION

3 BY THE COURT:

4 Q Good morning, Juror 27. Please tell me your name.

5 A Owen A. Dennis.

6 Q What do you do for work, sir?

7 A I'm semiretired, project administrator.

8 Q And what sort of projects do you work or did you work on?

9 A Water distribution.

10 Q Was that for a municipality or for a private company?

11 A Municipality.

12 Q Which one is that?

13 A Fort Pierce Utilities.

14 Q Have you held any other jobs, sir?

15 A Quite a few, carpentry and currently part-time stocking
16 clerk.

17 Q Is that at a supermarket?

18 A Yes.

19 Q Okay. Are you married?

20 A Yes, ma'am.

21 Q What does your spouse do for work?

22 A CNA.

23 Q Has she ever worked in law enforcement?

24 A No, ma'am.

25 Q Have you ever worked in law enforcement?

1 A No, ma'am.

2 Q What about any members of your family or close friends?

3 A None.

4 Q Have you ever been involved in a criminal case as a victim,
5 witness or defendant?

6 A No, ma'am.

7 Q Have you ever served on a jury?

8 A No, ma'am.

9 Q Anything in your background or experiences, sir, that would
10 impact your ability to be fair and impartial, if chosen to
11 serve as a juror?

12 A No, ma'am.

13 THE COURT: Thank you. You may be seated,
14 Mr. Dennis.

15 PROSPECTIVE JUROR: Juror 28, Terri Dalman.

16 EXAMINATION

17 BY THE COURT:

18 Q Good morning, Ms. Dalman. Briefly, what do you do for
19 work?

20 A I'm an assistant manager for PPG Paints in Stuart. It's a
21 paint store.

22 Q Have you ever worked in law enforcement?

23 A No.

24 Q All right.

25 A I have done paint 23 years.

1 Q It must come handy when you are doing home projects, I bet.

2 A It does.

3 THE COURT: Thank you very much. You may be seated,
4 we will come back to you, if necessary.

5 EXAMINATION

6 BY THE COURT:

7 Q Juror Number 29, please tell me your name again, ma'am.

8 A My name is Lamour McKoy-Josephs.

9 Q Thank you.

10 What do you do for work?

11 A I work at Cleveland Clinic Hospital. I'm a patient care
12 technician.

13 Q How long have you been doing that?

14 A I have been at Cleveland Clinic for five years. I have
15 been doing this over 25 years.

16 Q Okay. Do you have any friends who work in law enforcement
17 or family members?

18 A My ex-husband is retired Martin County sheriff.

19 Q Anything about your ex-husband's former work that would
20 impact your ability to be fair and impartial?

21 A No, Your Honor.

22 THE COURT: Okay. That's all I have at the moment.
23 We may come back to you. Thank you.

24 ///

25 ///

EXAMINATION

BY THE COURT:

Q I guess it's now afternoon. Good afternoon, Ms. Schroeder.

I know you mentioned earlier that you take care of your grandchildren. Are you currently employed?

A No, retired.

Q Okay. And what did you do before retirement?

A I was a banker for a large bank.

Q What sort of work did you do in terms of banking work specifically?

A I was a commercial lender and a private banker.

Q Okay. Have you ever worked in law enforcement?

A No.

Q What about any members of your family or close friends?

A No.

THE COURT: All right. That's all I have for now. Thank you.

All right. We are at Juror 31

EXAMINATION

BY THE COURT:

Q Good afternoon, sir. Please tell me your name and what you do for work?

A Yes. My name is Gregory Rogolino, I'm retired from Publix Supermarket -- store manager -- after 38 years.

Q It's a long career. So I will ask, nevertheless: Did you

1 have any other jobs prior to that one?

2 A No, ma'am.

3 Q Okay. I assume you worked your way up at Publix?

4 A I did.

5 Q All right. Have you ever worked in law enforcement?

6 A No, ma'am.

7 Q Are you married?

8 A Yes.

9 Q What does your spouse do for work?

10 A My wife is retired from St. Lucie County Schools as a
11 substitute teacher.

12 Q All right. Has she ever worked in law enforcement?

13 A No, ma'am.

14 Q Okay. All right. Do you have any other friends or
15 relatives who have worked in law enforcement or who currently
16 do so?

17 A No, ma'am.

18 Q Have you ever been involved in a criminal case, either as
19 victim, defendant or witness?

20 A No, ma'am.

21 Q All right. Have you ever served on a jury?

22 A Yes, ma'am, twice.

23 Q All right. So without telling me whether those juries
24 reached verdicts, what I would like to know is roughly, when
25 that jury service took place, whether it was civil or criminal

1 and whether you were the foreperson.

2 A Okay. About 25 years ago, I served on a civil case, I was
3 not the foreperson; about less than ten years ago, I served on
4 a criminal case and I wasn't the foreperson.

5 Q Okay. All right. And are you aware whether those juries
6 reached verdicts?

7 A Yes, in both cases.

8 Q Okay. All right. Anything else in your background or
9 experiences, sir, that would impact your ability to be fair and
10 impartial, if chosen to serve?

11 A No, ma'am.

12 THE COURT: Thank you, Mr. Rogolino. Please be
13 seated.

14 We are now at Juror 32.

15 EXAMINATION

16 BY THE COURT:

17 Q Thank you. Good afternoon, what do you do for work, sir?

18 A I am a chief meteorologist at the local NBC and Fox
19 station, Steve Weagle.

20 Q So can you predict the weather right now?

21 A I would say partly cloudy, hot.

22 Q Thank you.

23 How long have you been a meteorologist?

24 A Thirty years.

25 Q Any jobs prior to that one?

1 A No.

2 Q Okay. Have you ever worked in law enforcement?

3 A No.

4 Q Are you married?

5 A Yes.

6 Q And what does your spouse do for work?

7 A She tells me she is retired. She has a background in
8 radiology and MRI.

9 Q Okay. Is she currently employed?

10 A No.

11 Q Has she ever worked in law enforcement?

12 A No.

13 Q Do you have any friends or relatives, close friends or
14 relatives who work in law enforcement?

15 A I have a couple friends, yes.

16 Q Do they work locally? Tell me a little about that.

17 A Martin County sheriff, he just retired, moved to Asheville,
18 probably the closest law enforcement friend I have.

19 Q Anything about your friendships with those individuals that
20 would impact your ability to be fair and impartial, sir?

21 A No.

22 Q Have you ever been involved in a criminal case either as
23 victim, witness, or defendant?

24 A No.

25 Q All right. Have you ever served on a jury before?

1 A No.

2 Q Anything in your background or experiences, sir, that would
3 impact your ability to be fair and impartial?

4 A No.

5 THE COURT: All right. Thank you very much. You may
6 hand the mic over to Juror Number 33, I believe it is.

7 EXAMINATION

8 BY THE COURT:

9 Q Please remind me of your name, ma'am.

10 A Barbara Galloway.

11 Q And I believe you said you are a public defender for the
12 19th Judicial Circuit; is that correct?

13 A No, ma'am. I work for the public defender's office. I
14 work in client services.

15 Q Okay. Thank you for that clarification.

16 How long have you been working for that office?

17 A About ten years.

18 Q Okay. Are you an attorney, ma'am?

19 A No.

20 Q Okay.

21 THE COURT: All right. That's all I have for now,
22 thank you. We may come back to you.

23 All right, we are at Juror 34.all right.

24 PROSPECTIVE JUROR: Paul Logsdon.

25 ///

EXAMINATION

BY THE COURT:

Q Thank you, Mr. Logsdon.

Please tell me what you do for work?

A Truck driver, dock worker. Truck driver, dock worker.

THE COURT: Sorry, one second.

Ms. Galloway, is there a problem?

PROSPECTIVE JUROR: Restroom.

THE COURT: Oh, okay. All right.

Well, then because of that, we will take a ten-minute restroom break for all the jurors. Please leave your paddles where you have them. Remember where you are seated and do not discuss the case with any of your fellow jurors, all rise.

(Prospective jurors exited courtroom.)

THE COURT: All right. We are in brief recess until 12:25.

Ms. Casissi, if you could please try to gather the jurors outside as quickly as we can, so we can get started.

Thank you.

(Recess was had at 12:15 P.M.; and the proceedings

Resumed at 12:29 P.M.)

THE COURT: We are back on the record, please take your seats.

All right. There are two issues to discuss that have come to my attention. One is that I overlooked swearing in the

1 panel before we got started which is obviously an issue so I
2 want to hear any comments by the parties on that process. We
3 could obviously start all over again, I'm happy to do that,
4 during the afternoon session. There is also the possibility of
5 questioning the panel as to whether any of their prior answers
6 would be any different given the oath.

7 With that, I'll turn it over to Mr. Schiller.

8 MR. SCHILLER: Judge, thank you.

9 I have never had to deal with that issue, so I'm not
10 prepared to give the Court my legal opinion on that. Not
11 having been able to do any research, I don't know if the Court
12 was able to find a case that directs us in one way or the
13 other. It sounds like the Court may have found an appropriate
14 solution. But I don't know how to answer that right now having
15 not done the research.

16 THE COURT: No, and I don't have any particular
17 authority on the subject.

18 Anything from Mr. Berry?

19 MR. BERRY: I'm in the same posture as Mr. Schiller.
20 I haven't dealt with that before, so I don't know.

21 THE COURT: We can't hear you when you just trail
22 off.

23 MR. BERRY: Sorry, Judge.

24 I'm the same posture as Mr. Schiller, I have not
25 dealt with that issue before, and we would need some time to

1 research it.

2 THE COURT: All right.

3 Well, then, given the absence of recommendations from
4 the parties and in service of trying to get this right, we are,
5 unfortunately, going to have to start at the outset. Again,
6 that is on me, so my apologies.

7 It is now 12:30. We will call them in; we will let
8 them know that we are going to be taking a lunch break for one
9 hour. And then please plan on starting again, which then leads
10 me to the next issue and that is accommodating Mr. Spearman's
11 mother.

12 Given what I have said previously about the capacity
13 of this small courtroom and the gallery being full with the 50
14 jurors, which is more than I usually order for criminal cases,
15 along with the fact that we have one of the galleries somewhat
16 occupied with an air purifier that takes up at least one or two
17 spots there. We do have some additional chairs in the front;
18 but those, as I said, are designated for law enforcement. They
19 are being used now by at least two jurors. So the placement of
20 the public would require them to be sitting next to the jurors.

21 At this point, given the size of this courtroom and
22 the seating that is available, I don't see a good alternative,
23 but I will again open the floor for any comments.

24 Mr. Schiller.

25 MR. SCHILLER: Well, Judge, I guess my response to

1 the Court, if I could ask a logistical question. So is the
2 Court proposing we come back after lunch, we start jury
3 selection anew but without the jurors that maybe we agree for
4 cause, at this point, because they are not going to be seated
5 even if we start anew anyway.

6 THE COURT: I'm open to that, depending on the
7 Defense view.

8 Are there jurors to which both parties agree for
9 scheduling reasons and clear for cause purposes would not be
10 required to return, in which case we would have more room freed
11 up?

12 MR. SCHILLER: Judge, I can tell you, we have met
13 with Defense, and we do have several that we do agree upon.

14 THE COURT: Mr. Berry?

15 MR. BERRY: We agree, Judge. We agree, Judge --
16 sorry, having trouble with that microphone.

17 THE COURT: You agree with what?

18 MR. BERRY: We agree that there are cause challenges
19 that we could dismiss at this time and just bring back the, I
20 guess, the remaining.

21 THE COURT: Okay. Well, then, let's go over that
22 list of the folks, and I want to be clear. These are
23 individuals as to which there is absolutely no disagreement
24 that they should be stricken for cause.

25 Mr. Schiller, why don't you start us off?

1 MR. SCHILLER: Thank you, Judge.

2 We are in agreement as to Juror 3.

3 MS. McCRAE: No objection to striking.

4 THE COURT: Okay.

5 MR. SCHILLER: Your Honor, we are in agreement to
6 Juror 4.

7 MS. McCRAE: No objection.

8 MR. SCHILLER: Your Honor, we are in agreement to
9 Juror 6.

10 MS. McCRAE: No objection.

11 MR. SCHILLER: Okay.

12 Your Honor, we are in agreement to Juror 9.

13 MS. McCRAE: No objection.

14 THE COURT: All right.

15 MR. SCHILLER: Your Honor, we are in agreement for
16 cause to Juror 11.

17 MS. McCRAE: No objection.

18 THE COURT: All right.

19 MR. SCHILLER: Your Honor, we are in agreement to
20 cause for Juror 12.

21 MS. McCRAE: No objection.

22 MR. SCHILLER: Your Honor, we are in agreement to
23 cause for Juror 14.

24 MS. McCRAE: No objection.

25 MR. SCHILLER: Your Honor, we are in agreement to

1 cause for Juror 26.

2 MS. McCRAE: No objection.

3 MR. SCHILLER: Your Honor, we are in agreement to
4 cause for Juror 29.

5 MS. McCRAE: No objection.

6 MR. SCHILLER: And Juror 30?

7 MS. McCRAE: No objection.

8 MR. SCHILLER: We are in agreement to cause for Juror
9 33.

10 MS. McCRAE: No objection.

11 MR. SCHILLER: We are in agreement to cause for
12 Juror 40.

13 MS. McCRAE: No objection.

14 MR. SCHILLER: We are in agreement to cause for
15 Jurors 42 and 43.

16 MS. McCRAE: No objection to either of those two
17 jurors.

18 MR. SCHILLER: And we are in agreement to cause to
19 Juror 50.

20 MS. McCRAE: No objection.

21 THE COURT: Does that conclude the list as to which
22 the parties agree jurors should be stricken for cause?

23 MR. SCHILLER: Yes, ma'am.

24 THE COURT: Ms. McCrae?

25 MS. McCRAE: I would have further to propose, but I

1 understand the government is not ready to agree.

2 What we will do is let me go over that one final
3 time, the numbers, and tell me if I'm wrong, please; three,
4 four, six, nine, 11, 12, 14, 26, 29, 30, 33, 40, 42, 43, and
5 50; is that correct?

6 MR. SCHILLER: That is correct, Your Honor.

7 MS. McCRAE: Yes, Your Honor.

8 THE COURT: Okay. All right. Ms. Casissi, let's
9 call everybody back in, please.

10 MR. SCHILLER: I'm sorry, Judge, let me answer the
11 Court's now logistics question based on that.

12 THE COURT: Yes.

13 MR. SCHILLER: So now, is it the Court's proposal
14 that we basically start jury selection anew as if we have not
15 conducted it yet, obviously having sworn them in and that the
16 courtroom, now, because of the spacing be reopened for anyone,
17 as long as there is space for them?

18 THE COURT: That is correct.

19 MR. SCHILLER: Okay, ma'am, thank you.

20 Are the jurors going to retain their current numbers?

21 THE COURT: Yes, otherwise, it becomes impossible to
22 keep track, so we are going to use the same numbers. We are
23 just going to be skipping over the ones we have stricken, and
24 we will make room for any members of the public who wish to be
25 present.

1 MR. SCHILLER: Okay, Judge; thank you very much.

2 THE COURT: Okay.

3 All rise.

4 (Venire panel entered the courtroom)

5 THE COURT: All right, please be seated.

6 Do we have everybody, Ms. Casissi?

7 THE COURTROOM DEPUTY: Yes, Your Honor.

8 THE COURT: Ladies and gentlemen, thank you for your
9 continued patience. I know this is a lengthy process, and we
10 are all very grateful for your time and attention.

11 What is going to happen now, I'm going to read out
12 loud the names of certain jurors who will be excused, at this
13 time. Do not leave right away, until I am done reading out
14 this list. Those individuals should return to the second floor
15 for further instructions.

16 If your name is not called, then you will be asked to
17 return in one hour after the lunch break, and we have
18 additional jury selection to do which will be lengthy, and it
19 will require the Court to review and go over many of the
20 questions, if not all of the questions we have already gone
21 over. So this will consume very likely the entire business
22 day; but for now, I will read out loud the names of the jurors
23 who can be excused, at this time. Please listen carefully.

24 Juror 3, Juror 4, Juror 6, Juror 9, Juror 11, Juror
25 12, Juror 14, Juror 26, Juror 29, Juror 30, Juror 33, Juror 40,

1 Juror 42, Juror 43, and Juror 50.

2 If I have called your name, please stand at the
3 moment, and gather your belongings. Please leave your paddles
4 where they are and return to the second floor as I indicated
5 for further instructions. Thank you.

6 (Dismissed venire members exit courtroom)

7 THE COURT: All right, thank you.

8 At this time, Ms. Casissi, I'm going to ask that you
9 please swear in the panel of jurors.

10 Will all prospective please stand and raise your
11 right hand.

12 (Venire panel sworn)

13 THE COURT: All right. Thank you.

14 You may be seated.

15 That oath is for the purposes of jury selection.
16 That does not mean that you have been selected to serve on this
17 jury, it just permits us to initiate the questioning anew which
18 is what we will do after lunch.

19 At this point, it is 12:43; the lunch break is one
20 hour long, so please return to the courthouse promptly at 1:43.
21 Please, again, leave their paddles where they are, and we will
22 see you after lunch.

23 Please, also, it is important that nobody discuss
24 this case or anything related to the case, with anyone.
25 Similarly, it is imperative that no one conduct any research of

1 any kind either on the internet or elsewhere about this case or
2 any of the individuals related to the case. It is critical
3 that we all maintain an open mind until the conclusion of the
4 case, if chosen to serve was a juror. Again, please be mindful
5 of those admonitions. With that, let's rise and we will see
6 you at 1:43.

7 (Venire panel exits courtroom)

8 THE COURT: All right. Please be seated.

9 Anything time sensitive to raise before we break for
10 lunch, Mr. Schiller?

11 MR. SCHILLER: No, Your Honor.

12 THE COURT: Mr. Berry?

13 MR. BERRY: No, ma'am.

14 THE COURT: Okay. Well, then have a nice lunch, we
15 will see each other at 1:43 promptly.

16 THE COURTROOM DEPUTY: All rise.

17 (Recess was had at 12:44 P.M.; and the proceedings
18 resumed at 2:25 P.M.)

19 THE COURT: Thank you.

20 We are back on the record. The defendant is present.
21 You may be seated.

22 I understand there are some plea negotiations
23 underway; but of course, it is now more than 40 minutes past
24 the time we had the jurors return, so I would like to get some
25 more clarity from the parties on respective timing, given the

1 jurors and what has already transpired.

2 Mr. Berry.

3 MR. BERRY: Your Honor, I now have a copy -- a
4 written copy of both the plea agreement and the proposed
5 factual proffer. Mr. Spearman has gone over the factual
6 proffer. We were just about to go over the plea agreement.

7 I don't know if he is going to have any questions, it
8 typically takes me make 15, 20 minutes to go through all the
9 details of it; so if he has got questions, maybe half an hour.

10 THE COURT: But at this point, the actual plea
11 agreement has been delivered to Defense Counsel; is that
12 correct?

13 MR. SCHILLER: That's correct, Judge. It is a
14 conditional plea reserving the right to appeal. I received
15 authorization from the appellate section in my office, that
16 language is included, so a final copy has been sent to the
17 Defense. They are reviewing it now.

18 THE COURT: All right. It's 2:27, I will go back on
19 the record at 3:05, and I encourage the parties to be very
20 efficient with their time because I hesitate to keep the jurors
21 waiting without additional information for much longer.

22 That is all, thank you.

23 MR. SCHILLER: Thank you, ma'am.

24 THE COURTROOM DEPUTY: All rise.

25 (Recess was had at 2:27 P.M.; and the proceedings

1 resumed at 2:56 P.M.)

2 THE COURT: All right. Thank you.

3 Please be seated. We are back in session. The
4 defendant is present.

5 Mr. Berry, I have been presented with executed
6 versions of a factual proffer and plea agreement.

7 All right, I have been given another plea agreement
8 with typographical corrections that have been annotated and
9 signed again, although I think this does not have Mr. Berry's
10 or Mr. Spearman's signatures.

11 MR. BERRY: Oh, I'm sorry, Judge. Thank you.

12 (Brief pause in the proceedings)

13 THE COURT: All right. I have the executed plea
14 agreement along with the executed factual proffer.

15 All right. I don't think we need appearances again,
16 since we have been engaged in jury selection all morning; but I
17 do want to make, for the record, clear that the defendant is
18 present.

19 Mr. Berry, is it Mr. Spearman's intention to enter
20 into a plea of guilty today, pursuant to a written plea
21 agreement and factual proffer?

22 MR. BERRY: Yes, Your Honor.

23 THE COURT: Is that your understanding, Mr. Schiller
24 or Mr. Reynolds?

25 MR. SCHILLER: From the government, yes, it is, Your

1 Honor.

2 THE COURT: All right.

3 Mr. Spearman, I'm going to ask you several questions.
4 The purpose of these questions is to make sure that you have
5 very carefully considered your decision to plead guilty, that
6 you are competent to make a decision and are aware of the
7 consequences of pleading guilty and that there is, in fact, a
8 factual basis in support of the guilty plea.

9 If at any point, sir, you don't understand any of my
10 questions or you wish to speak with your attorney, please let
11 me know right away and we will arrange that for you. Do you
12 understand, sir?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: All right. Let's have the defendant
15 sworn in.

16 WILLIAM MICHAEL SPEARMEN, DEFENDANT, SWORN

17 THE COURT: Thank you Mr. Spearman.

18 EXAMINATION

19 BY THE COURT:

20 Q You are now under oath. That means that if you answer any
21 of my questions falsely, those statements later could be used
22 against you in a future prosecution for perjury or for making a
23 false statement; do you understand, sir?

24 A Yes, Your Honor.

25 Q All right. Now, what is your full name?

1 A William Michael Spearman.

2 Q Have you ever been known by any other name?

3 A Bill, the nickname Bill.

4 Q Bill, okay.

5 Have you used any other nicknames other than Bill?

6 A No.

7 Q Have you used any aliases on the internet?

8 A Yes, Your Honor.

9 Q And what are those?

10 A Nun 111, and King Pedo.

11 Q Okay.

12 A And Enforcer.

13 Q Enforcer?

14 A Yes, ma'am.

15 Q Where were you born, sir?

16 A Libertyville, Illinois.

17 Q And how old are you?

18 A Fifty-seven.

19 Q How far did you go in school?

20 A Three years of college.

21 Q Where was that?

22 A At American Military University.

23 Q Do you read or write the English language?

24 A Yes, Your Honor, both.

25 Q Thank you.

1 Are you a citizen of the United States?

2 A Yes, Your Honor.

3 Q Have you ever been treated for any mental illness?

4 A Yes.

5 Q Briefly describe that for me including some time
6 references, as well, for when you were receiving such
7 treatment.

8 A From the mid '90s to present, PTSD and anxiety in the
9 decade after that.

10 Q Okay.

11 A And severe depression after that in the last 15 years.

12 Q So you mentioned a series of conditions. Have you received
13 treatment by a medical professional for any of these
14 conditions?

15 A Yes, I have, Your Honor.

16 Q All right. When was the last time you were receiving
17 treatment?

18 A Last week.

19 Q Are you currently taking any medication for these
20 conditions, these mental health conditions?

21 A Yes, Your Honor.

22 Q What are those medicines, if you know?

23 A I don't know all of them, I know Cymbalta and Abilify.

24 Q Now, when was the last time you took those medications?

25 A I took those two this morning, Your Honor.

1 Q Okay. Do those medications interfere at all with your
2 ability to understand what is going on in this courtroom right
3 now?

4 A No, Your Honor.

5 Q Do you feel as if you fully understand everything that is
6 transpiring here right now?

7 A Yes, I do.

8 Q Have you ever been treated for an addiction to narcotic
9 drugs?

10 A No, Your Honor.

11 Q Have you ever been treated for an addiction to alcohol?

12 A No, Your Honor.

13 Q Are you currently under the influence of any drugs,
14 alcohol, or other intoxicants?

15 A No, Your Honor.

16 Q And I'm not referring to the medicines you described just a
17 minute ago.

18 A No.

19 Q All right. Do you believe, sir, that you have any physical
20 or mental condition or illness that would prevent you from
21 understanding what is happening in court today?

22 A No, I don't.

23 THE COURT: Mr. Berry, is it your opinion that
24 Mr. Spearman is competent to enter into a guilty plea?

25 MR. BERRY: Yes, Your Honor.

1 THE COURT: Mr. Berry, are you aware of any promises
2 or assurances of any kind to get Mr. Spearman to plead guilty,
3 other than what is set forth in the written plea agreement?

4 MR. BERRY: Your Honor, there is an agreement by the
5 government to not seek forfeiture of his home. The plea
6 agreement does not specifically indicate that, but they have
7 advised that they will not seek forfeiture of his home, and
8 that is part of the reason that Mr. Spearman has agreed to
9 enter into this plea.

10 THE COURT: Mr. Schiller, please expound upon that.

11 MR. SCHILLER: Certainly, Judge.

12 As contemplated in the indictment, one of the items
13 of forfeiture was the defendant's home. The government is not
14 going to forfeit -- is not -- I'm sorry, the Government is
15 going to forego forfeiting the defendant's home, and we will
16 enter a release of lis pendens following these proceedings
17 today or tomorrow morning.

18 THE COURT: Okay. Other than the agreement by the
19 government to forego seeking forfeiture of the defendant's
20 home, are there any other promises or assurances of any kind,
21 Mr. Berry, to get Mr. Spearman to plead guilty other than what
22 is contained in the plea agreement?

23 MR. BERRY: No, ma'am.

24 THE COURT: Okay. All right.

25

1 BY THE COURT:

2 Q Mr. Spearman, are you pleading guilty of your own free
3 will, sir, because you are, in fact, guilty of count 3, which
4 is the count to which you intend to plead guilty?

5 A Yes, Your Honor.

6 Q Now, Mr. Spearman, has anybody tried to force you or coerce
7 you into pleading guilty?

8 A No, Your Honor.

9 Q All right. Let's turn to the indictment which is the
10 second superseding indictment. Have you received a copy of
11 that, sir?

12 A Yes, I have, Your Honor.

13 Q Have you fully discussed the charges with your attorney?

14 A Yes, ma'am.

15 Q Have you had enough time to discuss the case in general
16 with your attorney?

17 A Yes.

18 Q Now have you fully reviewed the discovery in the case with
19 your attorney?

20 A Yes, Your Honor.

21 THE COURT: Now there might have been some contraband
22 that potentially was not viewable by the defendant, but,
23 Mr. Berry, I would like for you to chime in here.

24 BY THE COURT:

25 Q Please explain to the Court the efforts you took in your

1 representation to review the discovery in the case with
2 Mr. Spearman.

3 MR. BERRY: Well, Your Honor, as the Court is aware,
4 there was a protective order that was entered in this case, so
5 I could not send him the discovery; but what I did do, my
6 investigator, Ms. Shannon is here today, she actually would go
7 out to see him at the facility that he has been at with a
8 computer and has gone through all the documents, allowed him to
9 review everything; and, of course, we discussed those
10 documents, whatever there was, statements, videos, whatever he
11 wanted to see.

12 THE COURT: Okay.

13 BY THE COURT:

14 Q Mr. Spearman, do you concur that you have been able to see
15 all the discovery you have requested to see?

16 A Yes, Your Honor.

17 Q Are there any materials that you asked Mr. Berry to see
18 that you were not able to see?

19 A No.

20 Q Now, have you discussed possible defense strategies with
21 your attorney, without telling me what those strategies are?

22 A Yes, Your Honor.

23 Q Are you fully satisfied with your attorney and with the
24 advice and representation that he has given you?

25 A Absolutely.

1 Q Is there anything you have asked him to do that he has not
2 done to your satisfaction?

3 A No.

4 Q All right. Now, because this proposed plea agreement
5 contemplates a guilty plea to count 3, I'm going to read out
6 loud what count 3 alleges from the second superseding
7 indictment. It alleges that the defendant, William Michael
8 Spearman, engaged in a child exploitation enterprise. It
9 states as follows: "Beginning in or around March of 2018 and
10 continuing through on or about November 2, 2022, in Palm Beach
11 County, in the Southern District of Florida and elsewhere, the
12 defendant, William Michael Spearman, and other persons known
13 and unknown to the grand jury knowingly, engaged in a child
14 exploitation enterprise in that the defendant violated Chapter
15 110 of Title 18 of the United States Code as part of a series
16 of felony violations constituting three or more separate
17 incidents and involving more than one victim and committed
18 those offenses in concert with three or more other persons, all
19 in violation of Title 18, United States Code, Section
20 2252A(g)."

21 THE COURT: Did I read that correctly, Mr. Berry?

22 MR. BERRY: Yes, ma'am.

23 THE COURT: Okay.

24 BY THE COURT:

25 Q Now, Mr. Spearman, do you understand that charge?

1 A Yes, I do, Your Honor.

2 THE COURT: Mr. Schiller or Mr. Reynolds, please set
3 forth what the essential elements of count 3 are.

4 MR. SCHILLER: Thank you, Your Honor.

5 The essential elements of count 3, which charges
6 child exploitation enterprise in violation of Title 18, United
7 States Code, Section 2252A(g) are the following: That the
8 defendant advertised and distributed child pornography on three
9 or more occasions between in or around March 18th --
10 March 2018, and November 2nd, 2022, and that the defendant
11 committed those offenses in concert with three or more other
12 persons and the offenses involved more than one victim.

13 With regard to the defendant's advertisement of child
14 pornography as part of the child exploitation enterprise, the
15 items that the government would have proven would be that he
16 knowingly made, printed, or published or caused to be made,
17 printed or published a notice or advertisement seeking or
18 offering to provide, display, distribute, exchange or reproduce
19 any visual depiction involving the use of a minor engaged in
20 sexually explicit conduct, and the visual depiction is of such
21 conduct and the defendant knew or had reason to know that the
22 notice or advertisement would have been transported using any
23 means or facility of interstate or foreign commerce or in or
24 affecting interstate or foreign commerce by any means,
25 including by computer or mailed, or that such notice or

1 advertisement was transported using any means or facility of
2 interstate or foreign commerce, or in or affecting interstate
3 or foreign commerce by any means including by computer or
4 mailed; and with regard to the defendant's distribution of
5 child pornography, as part of the child exploitation
6 enterprise, the government would have proven the following
7 elements: That the defendant knowingly distributed an item or
8 items of child pornography, that the defendant distributed the
9 item or items of child pornography using any means or facility
10 of interstate or foreign commerce and when he distributed those
11 items, he believed the items were or contained child
12 pornography.

13 THE COURT: All right. Thank you, Mr. Schiller.

14 Mr. Berry, are you satisfied those are the correct
15 elements of count 3?

16 MR. BERRY: Yes, Your Honor.

17 BY THE COURT:

18 Q Now, Mr. Spearman, do you understand those elements or
19 things the government just described? Those are the elements
20 the government would have to prove beyond a reasonable doubt if
21 this matter had proceeded to trial?

22 A Yes, Your Honor.

23 Q And do you further understand, sir, that when you plead
24 guilty, you give up your right to have the government prove
25 each of those essential elements of the crime beyond a

1 reasonable doubt?

2 A Yes, I understand that.

3 Q You also, when you plead guilty, give up all of your
4 defenses. Do you understand that as well?

5 A No.

6 Q All right. So when you plead guilty, you forego the right
7 to assert any defenses to your guilt with the exception of the
8 conditional plea agreement potentially as stipulated in the
9 plea agreement; but otherwise, when you plead guilty, sir, you
10 give up your right to assert any defenses you might have had to
11 count 3. Do you understand that, sir?

12 A Yes, I do.

13 Q Now, I know you have indicated you were born in the United
14 States and that you are a U.S. citizen, but I will advise you
15 nevertheless that if you were not born in this country, your
16 guilty plea very likely would affect your ability to stay in
17 this country and might subject you to deportation and denial of
18 admission to the United States in the future.

19 Are you willing, sir, to plead guilty today
20 regardless of any immigration consequences that your guilty
21 plea might entail, even if the consequence of your guilty plea
22 is automatic removal from the United States?

23 A Yes, Your Honor.

24 Q Now, do you understand that the offense to which you are
25 pleading guilty, count 3, is a felony offense?

1 A Yes, I do.

2 Q Do you understand that if your plea is accepted, sir, you
3 will be adjudicated guilty of that offense and that
4 adjudication of guilt might deprive you of valuable civil
5 rights like the right to vote, the right to hold public office,
6 the right to serve on a jury, and the right to possess any kind
7 of firearm?

8 A Yes.

9 THE COURT: Now, turning to the statutory penalties
10 associated with count 3, I'm going to ask Mr. Schiller to set
11 forth what those are at this time.

12 MR. SCHILLER: Thank you, Judge.

13 Count 3 of the indictment requires the defendant to
14 be sentenced to a minimum imprisonment time of 20 years, and
15 the Court may impose a statutory maximum term of life
16 imprisonment followed by a term of supervised release of a
17 minimum of five years up to life. In addition to a term of
18 imprisonment and supervised release, the Court may impose a
19 fine of up to \$250,000, may order forfeiture, may order
20 restitution and additional assessments and special assessments.

21 THE COURT: All right. I'm going to ask,
22 Mr. Schiller, you describe in more detail the special
23 assessments you refer to, generally.

24 MR. SCHILLER: Yes, ma'am, of course.

25 Pursuant to 18, United States Code, Section 3013,

1 there is an assessment in this case of \$100; that is included
2 in paragraph four of the plea agreement. In paragraph seven of
3 the plea agreement, pursuant to Title 18 --

4 THE COURT: Hold on a minute, I want to make sure I'm
5 keeping track of your paragraph designations.

6 MR. SCHILLER: I'm sorry, Judge, paragraph six. It
7 is paragraph six, my mistake.

8 THE COURT: Keep going.

9 MR. SCHILLER: I saw six and I read four, I
10 apologize.

11 In paragraph seven of the plea agreement, pursuant to
12 Title 18, United States Code, Section 3014, a special
13 assessment in the amount of \$5,000 will be imposed if the
14 defendant is not indigent because the count he is pleading
15 guilty to is a violation of a Chapter 110 offense.

16 In Chapter 8 of the plea agreement, the defendant
17 understands that he may be subject to a special assessment not
18 to exceed \$35,000 pursuant to Title 18, United States Code,
19 Section 2259A.

20 Those are all of the special assessments, Your Honor.

21 THE COURT: Okay.

22 BY THE COURT:

23 Q Mr. Spearman, did you hear all of the various statutory
24 penalties that Mr. Schiller just described?

25 A Yes, Your Honor.

1 Q Now, to drill down and reiterate, do you understand, sir,
2 that count 3 carries a minimum term of imprisonment of 20
3 years, sir?

4 A Yes, I do.

5 Q Do you also understand that the Court may impose a
6 statutory maximum term of life imprisonment?

7 A Yes, I do, Your Honor.

8 Q In addition to the term of imprisonment, do you also
9 understand, Mr. Spearman, that the term of imprisonment will be
10 followed by a term of supervised release that will be at least
11 five years long?

12 A Yes, Your Honor.

13 Q And that term of supervised release could go all the way up
14 to lifetime supervised release. Do you understand, sir?

15 A Yes, Your Honor.

16 Q Now, as part of a term of supervised release, there would
17 be various conditions associated with that term of supervised
18 release. Do you further understand, sir, that if you were to
19 violate any of the conditions of supervised release, those
20 violations could result in additional time in prison?

21 A Yes, I do.

22 Q Now turning to the fine, do you understand, sir, that the
23 Court can impose a fine of up to \$250,000 in this case?

24 A Yes, Your Honor.

25 Q And then with respect to special assessments, as

1 Mr. Schiller described, there are three such assessments, one
2 of which is mandatory. It is described in paragraph six and
3 it's a \$100 special assessment that will be imposed upon you,
4 sir, in accordance with Title 18, United States Code, Section
5 3013. Do you understand that, sir?

6 A Yes, Your Honor.

7 Q There is also a special assessment in the amount of \$5,000
8 under Section 3014 which will be imposed upon you, sir, if you
9 are deemed not indigent. Do you understand that, sir?

10 A Yes, I do.

11 Q And then there is finally the special assessment under
12 Section 2259A, which is not to exceed \$35,000 and may be
13 imposed upon you as well. Do you understand that, sir?

14 A Yes, ma'am.

15 Q Do you understand, sir, that all of those statutory
16 penalties I have just discussed, they are all possible
17 consequences of your guilty plea here today; and to emphasize,
18 there is that mandatory minimum term of imprisonment of 20
19 years along with the mandatory term of supervised release of
20 five years. Do you understand that, sir?

21 A Yes, I do, Your Honor.

22 THE COURT: All right. Now, Mr. Schiller, I know we
23 discussed forfeiture briefly, but are there any other aspects
24 of the plea agreement that govern the matter of forfeiture?

25 MR. SCHILLER: Yes, ma'am. Paragraphs 14, 15 of the

1 plea agreement cover forfeiture, and they contemplate the
2 defendant is agreeing to forfeit 14 electronic devices to the
3 United States; and I can go through those one at a time, if you
4 would like me to put them in the record.

5 THE COURT: I don't think that's necessary, but I do
6 want to inquire.

7 BY THE COURT:

8 Q Mr. Spearman, are you familiar with the numerous items
9 listed in paragraph 14 and do you understand, sir, that by
10 entering into this plea agreement, you are agreeing to forfeit
11 to the government voluntarily and immediately all of your
12 interest in those items of property?

13 A Yes, I am, Your Honor.

14 THE COURT: Mr. Berry, do you believe more specific
15 recitation of those items is necessary?

16 MR. BERRY: No, Your Honor.

17 BY THE COURT:

18 Q Now, I also want to ask, sir, on the subject of forfeiture,
19 by entering into this plea agreement pursuant to paragraph 15,
20 do you understand that you are knowingly and voluntarily
21 waiving various rights to the subject property, including any
22 constitutional, legal and equitable defenses you might have
23 had, any judicial or administrative notice of forfeiture and
24 related deadlines, any jeopardy defense or claim of double
25 jeopardy, any claim or defense under the Eighth Amendment to

1 the United States Constitution, and any right to appeal any
2 order of forfeiture entered by the Court?

3 Do you understand, sir, that you are giving up all of
4 those related arguments and defendants [sic] with -- excuse me,
5 defenses with respect to forfeiture?

6 A Yes, I do, Your Honor.

7 THE COURT: Okay. Now, Mr. Schiller, let's turn to
8 the matter of restitution.

9 MR. SCHILLER: Yes, ma'am.

10 The plea agreement in paragraphs 9, 10, and 11
11 discuss restitution, and the defendant understands that by
12 pleading guilty in this case, he will be ordered to pay
13 restitution pursuant to 18, United States Code, Section 2259
14 and 2259A, as the offenses he is pleading guilty to is again a
15 Chapter 110 offense.

16 He further understands that he will be responsible
17 for paying restitution not just to the victims that are
18 contemplated under count 3 but any victims that are deemed
19 relevant conduct, including any charged or uncharged child
20 pornography offenses for which he possessed on his device but
21 maybe didn't use to commit these offenses.

22 In addition, he understands that the Court will order
23 restitution in an amount that reflects the defendant's relative
24 role in the causal process that underlies the victims' losses
25 but which is no less than \$3,000 per victim.

1 THE COURT: All right. Mr. Schiller has gone over
2 paragraphs 9, 10, and 11. Mr. Berry, are you satisfied that we
3 have adequately covered the subject of restitution?

4 MR. BERRY: Yes, Your Honor.

5 BY THE COURT:

6 Q Mr. Spearman, did you understand what Mr. Schiller
7 described with respect to restitution?

8 A Yes, I did, Your Honor.

9 Q Do you have any questions about restitution?

10 A No, ma'am.

11 Q Okay. All right, then we will move forward.

12 Let me ask again, Mr. Spearman, do you understand
13 that all of the penalties we just discussed, both in terms of
14 imprisonment, supervised release, fine, special assessments,
15 forfeiture, and restitution, they are all possible consequences
16 of your plea here today and some are mandatory by law?

17 A Yes, I do, Your Honor.

18 Q Okay. Now, on the subject of the sentencing guidelines,
19 Mr. Spearman, the United States Sentencing Commission has
20 published guidelines to help judges determine sentences in
21 criminal cases.

22 Have you and your attorney, Mr. Berry, been able to
23 discuss how the sentencing guidelines might apply to your case?

24 A Yes, we have, Your Honor.

25 Q Do you understand, sir, that any estimate of the sentence

1 given to you by Mr. Berry or by anybody else is only an
2 estimate?

3 A Yes, I do.

4 Q In other words, sir, do you understand that the Court can
5 depart or vary from the sentencing guidelines and impose a
6 sentence that is higher or lower than the sentencing -- than
7 the sentence recommend by the sentencing guidelines?

8 A Right, Your Honor.

9 Q Do you fully understand that, sir?

10 A Yes, I do.

11 Q And in the same vein, put another way, do you understand,
12 sir, that the sentencing guidelines are not binding or
13 mandatory on the Court?

14 A Yes, I do understand.

15 Q In other words, the Court can sentence you above the
16 sentencing guidelines up to the maximum permitted by law which,
17 in this case, in terms of imprisonment and supervised release
18 is life or below than what the sentencing guidelines recommend?

19 A Yes, Your Honor.

20 Q And, sir, do you understand that if the Court were to
21 impose a higher sentence than you were hoping for, do you
22 understand that you would not be allowed to withdraw your
23 guilty plea solely as a result of the sentence that you
24 receive?

25 A I understand that, Your Honor.

1 Q Now, there are a number of constitutional rights, sir, that
2 you waive when you plead guilty, so I'll review those now.

3 First, do you understand, sir, that you have the
4 right to plead not guilty to any offense charged against you
5 and to persist in that plea?

6 A Yes.

7 Q Second, do you understand that you have the right to a
8 trial by jury?

9 A Yes, ma'am.

10 Q Third, do you understand that at a trial, you would be
11 presumed to be innocent and it would be the government's entire
12 burden to prove your guilt beyond a reasonable doubt? Do you
13 understand that, sir?

14 A Yes, Your Honor.

15 Q Do you also understand that at a trial, you would have the
16 right to the assistance of appointed counsel for your defense,
17 like Mr. Berry, and, if necessary, during other stages of the
18 proceeding?

19 A Yes, Your Honor.

20 Q Moving on, do you understand, sir, that you would at a
21 trial have the right to confront and cross-examine adverse
22 witnesses in your defense?

23 A Yes, Your Honor.

24 Q Do you understand that you would also have the right to
25 compel the attendance of adverse witnesses at a trial?

1 A Yes, Your Honor.

2 Q And do you also understand that at a trial, you would have
3 the right, if you wanted to, to testify? Do you understand
4 that, sir?

5 A Yes, ma'am.

6 Q But on the flip side, you would also have the right to
7 remain silent and decide not to testify or to put on any
8 evidence at all; and that if you decided not to testify or to
9 put on any evidence, those facts could not be used against you
10 at a trial; do you understand that, sir?

11 A Yes, ma'am.

12 Q All right. So we have gone over portions of the plea
13 agreement already, but let's go over some additional
14 preliminaries.

15 This is a conditional plea agreement reserving the
16 right to appeal the Court's order denying defendant's motion to
17 suppress evidence. By this agreement, sir, you are agreeing to
18 plead guilty to count 3 in exchange for the government's
19 dismissal of Counts 1 and 2 of the second superseding
20 indictment.

21 I have before me the executed plea agreement which is
22 eight pages in length and contains signatures on page eight.
23 Is that the document you signed, sir?

24 A Yes, Your Honor.

25 Q Is that your signature on page eight above the name

1 "William Michael Spearman"?

2 A Yes, it is, Your Honor.

3 THE COURT: Mr. Berry, is that your signature?

4 MR. BERRY: Yes, ma'am.

5 THE COURT: Mr. Reynolds and Mr. Schiller?

6 MR. REYNOLDS: Yes, Your Honor.

7 MR. SCHILLER: Yes, Your Honor.

8 THE COURT: Okay. And these are all dated with
9 today's date.

10 BY THE COURT:

11 Q Now, before you signed this written plea agreement, sir,
12 did you have a full opportunity to review its contents?

13 A Yes, I did, Your Honor.

14 Q Do you believe that you understand the written plea
15 agreement in its entirety?

16 A Yes, Your Honor.

17 Q Now, have any additional promises been made to you that are
18 not contained in this plea agreement? And I know we discussed
19 the matter of forfeiture of your home, but other than that
20 discreet forfeiture agreement, have there been any additional
21 promises made to you that are not listed in this plea
22 agreement?

23 A No, ma'am.

24 Q Now, do you understand that the terms of the plea agreement
25 to the extent they are cast in the form of a recommendation,

1 are merely recommendations to the Court which the Court can
2 reject without allowing you to withdraw your guilty plea?

3 A Yes, I understand.

4 Q And again, do you understand, sir, that the Court can
5 impose a sentence that is more severe than you might
6 anticipate?

7 A Yes, Your Honor.

8 THE COURT: Mr. Schiller, if you could describe the
9 sex offender provisions pertinent to the plea agreement,
10 please.

11 MR. SCHILLER: Yes, Your Honor. Thank you.

12 Paragraph 16 and 17 of the plea agreement have the
13 defendant understand that by pleading guilty, he will be
14 required to register as a sex offender and an overall
15 understanding of those requirements and how he must keep his
16 registration current. In addition, that he will be subject to
17 possible federal and state penalties for his failure to comply
18 with any such sex offender registration.

19 Paragraph 17 also advises the defendant that he is to
20 register with the State of Florida upon his release from
21 imprisonment being placed on supervised release, and he shall
22 also register with the state sex offender registration agency
23 in any state where he resides, is employed, works, or is a
24 student, as directed by the probation officer.

25 THE COURT: All right. Thank you, Mr. Schiller.

1 BY THE COURT:

2 Q Mr. Spearman, did you hear what Mr. Schiller just
3 described?

4 A Yes, Your Honor.

5 Q And do you feel as if you fully understand the sex offender
6 registration requirements that are detailed in the plea
7 agreement, specifically paragraphs 16 and 17?

8 A Yes, I do, Your Honor.

9 THE COURT: Okay, Mr. Berry, any additional
10 discussion in your view warranted on the subject of
11 registration requirements?

12 MR. BERRY: No, ma'am.

13 THE COURT: Okay.

14 All right. Now, any other topics to discuss with
15 respect to the plea agreement, Mr. Schiller?

16 MR. SCHILLER: Judge, I know the Court has already
17 covered the fact that this is a conditional plea, but I would
18 like to read into the record that paragraph, so it is clear for
19 the record exactly what that conditional plea contemplates.

20 THE COURT: Okay.

21 MR. SCHILLER: Thank you.

22 Pursuant to Federal Rule of Criminal Procedure
23 11(a)(2), the government agrees and consents to the defendant's
24 entry of a conditional plea of guilty and reservation of his
25 right to seek appellate review only of the District Court's

1 denial of its motion to suppress evidence at Docket Entry 146.

2 The defendant's motion alleged the warrantless
3 seizure of his internet protocol address, IP address, and
4 sought to suppress all physical evidence seized and statements
5 as fruit of the poisonous tree, as a result of the execution of
6 a search warrant at his residence and person that he filed at
7 docket entry 74.

8 The government and the defendant agree that an order
9 suppressing the subject evidence or an appeal granting such
10 relief is case dispositive.

11 THE COURT: All right. So this includes statements,
12 correct?

13 MR. SCHILLER: Well, that was part of the defendant's
14 motion, that's correct, Judge, yes.

15 THE COURT: Okay. All right. I think you have
16 accurately read the conditional plea provision in paragraph 2.

17 Mr. Berry, anything further on that subject?

18 MR. BERRY: No, ma'am.

19 THE COURT: Okay.

20 All right. I think we have covered the plea
21 agreement, so let's turn now to the factual proffer.

22 I think for efficiency sake, I'm just going to go
23 ahead and read it. Before I do so, let me confirm with
24 Mr. Spearman.

25

1 BY THE COURT:

2 Q Sir, I have a factual proffer six pages long with
3 signatures on page six. Is that the document you signed, sir?

4 A Yes, Your Honor.

5 Q And I assume you have a copy of it in front of you; is that
6 correct?

7 A Yes, Your Honor.

8 Q Okay. Is that your signature at the bottom of page six?

9 A Yes, it is.

10 THE COURT: Mr. Berry?

11 MR. BERRY: Yes, ma'am.

12 THE COURT: All right. Mr. Reynolds and
13 Mr. Schiller?

14 MR. REYNOLDS: Yes, ma'am.

15 MR. SCHILLER: Yes, ma'am.

16 THE COURT: All right. So all parties have indicated
17 that is the proffer they signed with today's date.

18 All right.

19 The factual proffer states as follows: The United
20 States would have proven the following facts beyond a
21 reasonable doubt had this case gone to trial:

22 One, at all relevant times, Website A was a website
23 dedicated to the advertisement and distribution of child
24 pornography as defined in Title 18, United States Code, Section
25 2256(8)(a), and the discussion of child sexual abuse. Users of

1 Website A could engage in online communications with other
2 users. Users trafficked in child pornography via Website A by
3 posting web links within messages. These links redirected to
4 other websites such as file hosting websites where the link to
5 child pornography images and videos were available for download
6 and/or viewing.

7 Under the rules of Website A, the links were required
8 to contain descriptive text that provided information about the
9 sexual acts and age and gender of the child victim depicted in
10 the linked-to child pornography files.

11 During the timeframe relevant to this matter,
12 Website A users made tens or hundreds of thousands of child
13 pornography images and videos available in this manner. At all
14 relevant times, Website A was managed by particular users
15 referred to as, quote, staff, and it had at least 100
16 registered members.

17 Paragraph 2: Spearman was the lead administrator of
18 Website A and had been a member of the website between
19 approximately 2018 and the date of his arrest. He told law
20 enforcement that he and three other individuals had equal power
21 in managing the website. In this capacity, he supervised and
22 directed other members of Website A staff, gave staff members
23 instructions on how to interact with lower ranking users,
24 helped to clean up and organize links to child pornography
25 posted to a particular section of Website A, ensured that staff

1 members were present at all times in various sections of
2 Website A, presided over staff meetings, promoted and demoted
3 other users and staff, and otherwise supervised the day-to-day
4 organization and maintenance of Website A.

5 On or about February 6, 2022, in a room with
6 approximately ten other moderators, that is, high ranking
7 members of Website A staff, Spearman reproduced a post by
8 another user in order to instruct the other moderators on the
9 correct format to share certain types of child pornography
10 files. The post consisted of a URL accompanied by text
11 indicative of the sexual abuse and exploitation of children.

12 An undercover FBI agent accessed the URL which
13 redirected to another website containing numerous collages of
14 images depicting the sexual abuse of a naked prepubescent boy
15 approximately six to nine years old. The images depict the boy
16 fully naked and touching his own penis while an adult man
17 inserts an elongated object into the boy's anus.

18 Paragraph 4: On numerous occasions, Spearman shared
19 thousands of URL links to child pornography to more than ten
20 other individuals who served as moderators of Website A. These
21 incidents included the following: On July 25th, 2022, Spearman
22 shared a list of URLs with other Website A users. The URLs were
23 accompanied by text indicative of the sexual abuse and
24 exploitation of children. An FBI agent accessed some of the
25 URLs which redirected to other websites that displayed images

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1 and videos depicting, among other things, an adult woman
2 licking an infant's vagina, as well as an adult woman using a
3 phallus strap-on device to penetrate the anus and vagina of a
4 prepubescent girl who appears to be between the ages of three
5 and six.

6 On July 27, 2022, Spearman again shared a list of
7 URLs with other Website A users. The URLs were accompanied by
8 text indicative of the sexual abuse and exploitation of
9 children. An FBI agent accessed some of the URLs which
10 redirected to other websites that displayed images and videos
11 depicting, among other things, an adult man's penis ejaculating
12 on a toddler's naked vagina, as well as a naked prepubescent
13 girl who has a prominent wound under her eye and who appears to
14 be approximately seven to ten years old spreading her legs to
15 expose her vagina to the camera.

16 C, on August 13th, 2022, Spearman, again, shared a
17 list of URLs with other Website A users. The URLs were
18 accompanied by texts indicative of the sexual abuse and
19 exploitation of children. An FBI agent accessed some of the
20 URLs which redirected to other websites that displayed images
21 and videos depicting, among other things, a collage of images
22 depicting adult men inserting their erect penises into the
23 mouths of prepubescent girls, as well as a close-up of a
24 toddler's naked vagina.

25 On August 15th, 2022, Spearman, again, shared a list

1 of URLs with other Website A users. The URLs were accompanied
2 by text indicative of the sexual abuse and exploitation of
3 children. An FBI agent accessed some of the URLs, which
4 redirected to other websites that displayed images and videos
5 depicting, among other things, a prepubescent girl,
6 approximately seven to nine years old and who was bound with
7 rope performing oral sex on an adult man's penis as well as
8 numerous images of a prepubescent girl approximately six to
9 nine years old displaying her naked vagina and anus to the
10 camera.

11 Spearman shared these URLs in part so other Website A
12 users would take steps to further the maintenance, operations
13 and management of Website A until approximately July 2022;
14 And during the time when Spearman engaged in the conduct on
15 Website A described above, another high-ranking administrator
16 of Website A resided in Palm Beach County, Florida, within the
17 Southern District of Florida, where he advertised and
18 distributed child pornography and took acts to help manage
19 Website A from his home.

20 Further, beginning on an unknown date and continuing
21 until the date of his arrest, on or about November 2nd, 2022,
22 Spearman possessed multiple electronic devices in his residence
23 in the Northern District of Alabama that he used to engage in
24 the above and related conduct and that contained child
25 pornography.

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1 For example, Spearman's devices contained a video of
2 a pubescent male engaged in violent anal sex with a toddler-
3 aged boy, a video of an adult man ejaculating into the mouth of
4 an infant, a video of a toddler-aged girl performing oral sex
5 on an adult man, a video of a masked man aggressively inserting
6 an object into the vagina of a prepubescent girl, a video
7 montage of numerous prepubescent boys performing oral sex on
8 adult men, and a video of an adult woman engaged in violent
9 sexual torture of a toddler, who was bond with rope and hung
10 upside down. These devices include the following, and then
11 there is a list, A through N, of various electronic devices
12 including laptops, thumb drives, external hard drives, and
13 other items which I won't specify in greater detail but which
14 are all listed there.

15 Based on these facts and other information known to
16 the parties, Spearman agrees that had this case gone to trial,
17 the Court -- excuse me, the government would have proven beyond
18 a reasonable doubt as to count 3 of the second superseding
19 indictment that he engaged in a child exploitation enterprise
20 in violation of Title 18, United States Code, Section 2252A(g)
21 beginning in or around March 2018 and continuing through the
22 date of his arrest.

23 Now, I have already gone over the elements previously
24 to which there was no disagreement, so I won't recite that
25 further.

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1 BY THE COURT:

2 Q Did you hear everything I said, Mr. Spearman?

3 A Yes, Your Honor.

4 Q Do you agree that everything that is contained in this
5 factual proffer which I read out loud is true and correct?

6 A Yes, I do, Your Honor.

7 Q Do you agree, sir, that it accurately reflects your
8 conduct, in this case?

9 A Yes, ma'am.

10 Q Do you also agree, sir, that the government could have
11 proven those facts beyond a reasonable doubt had this case gone
12 to trial?

13 A Yes, sir [sic], I do.

14 Q That's okay.

15 Now, did you talk to your attorney about the
16 government's evidence against you, and we talked about this
17 earlier, but I just want to ask again: Did you talk to your
18 attorney about the government's evidence against you?

19 A Yes, Your Honor.

20 THE COURT: Mr. Berry, are you satisfied that your
21 client understands the charge against him in count 3 and the
22 consequences of his guilty plea to count 3?

23 MR. BERRY: Yes, Your Honor.

24 THE COURT: Mr. Berry, are you satisfied that there
25 has been a sufficient statement of factual basis with regard to

1 count 3?

2 MR. BERRY: Yes, Your Honor.

3 THE COURT: And finally, Mr. Berry, do you stipulate
4 that had the case gone to trial, the Court would have sent
5 count 3 to the jury?

6 MR. BERRY: Yes, Your Honor.

7 THE COURT: All right. I, therefore, find that the
8 facts the government has set forth on the record in the
9 stipulated factual proffer are sufficient to establish the
10 offense of engaging in a child sexual exploitation enterprise,
11 as alleged in count 3 of the second superseding indictment.

12 BY THE COURT:

13 Q Mr. Spearman, let me ask again: Are you fully satisfied
14 with the representation you have received from your attorney?

15 A Yes, Your Honor.

16 THE COURT: Are there any other matters the Court
17 should address before soliciting the defendant's plea?

18 MR. SCHILLER: Other than finding that it is
19 voluntary, Your Honor, no.

20 THE COURT: All right. Okay.

21 Mr. Berry?

22 MR. BERRY: No, ma'am.

23 BY THE COURT:

24 Q All right. At this time, Mr. Spearman, I'm going to ask
25 how you plead to count 3. Do you pled guilty or not guilty to

1 count 3?

2 A Guilty, Your Honor.

3 THE COURT: In the case of United States of America
4 versus William Michael Spearman, it is the finding of the Court
5 that the defendant is alert and intelligent, that he is fully
6 competent and capable of entering an informed plea in this
7 case, that he is aware of the nature of the charge and the
8 consequences of the plea, and that the plea of guilty is a
9 knowing and voluntary plea supported by an independent basis in
10 fact containing each of the essential elements of the offense,
11 and that the agreement presented to the Court was voluntarily
12 entered into and that both the plea and the agreement are not
13 the result of force or threats.

14 I also find that the defendant has entered the plea
15 and the plea agreement with the advice and assistance of
16 competent and effective counsel with whom he indicates he is
17 fully satisfied.

18 The plea of guilty to count 3 is therefore accepted,
19 sir, and you are now adjudicated guilty of count 3 of the
20 second superseding indictment.

21 The next step is for U.S. Probation to conduct a full
22 investigation, sir. They will ask to speak to you in
23 preparation of that report, and you're entitled, of course, to
24 have your attorney present when you do so. Once that report is
25 issued, then both sides will have the same amount of time

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1 within which to file objections. And then at sentencing, sir,
2 you would have the right to address the Court if you wish,
3 along with the right to have any witnesses or family members or
4 friends present to speak on your behalf.

5 When can we have sentencing, Ms. Casissi?

6 THE COURTROOM DEPUTY: Yes, Your Honor; August 31st,
7 at 9:30.

8 THE COURT: All right.

9 Mr. Berry, any conflicts with August 31st at 9:30?

10 MR. BERRY: I don't think so; just one moment.

11 No, ma'am.

12 THE COURT: All right. Sentencing is set for
13 August 31st at 9:30 in the morning.

14 Mr. Spearman, do you have any questions at this time?

15 THE DEFENDANT: No, Your Honor.

16 THE COURT: Anything further from the defense?

17 MR. BERRY: No, ma'am.

18 THE COURT: Anything further from the government?

19 MR. REYNOLDS: No, Your Honor.

20 THE COURT: All right. The defendant remains
21 detained pending sentencing.

22 Mr. Spearman, I will see you at the end of August. I
23 do wish you well.

24 In terms of advising the jurors that their services
25 are no longer needed, Mr. Berry, do you think that needs to

1 happen here in the courtroom or do you recommend any other
2 procedure?

3 MR. BERRY: Your Honor, I think they can be let go
4 without coming back into the courtroom.

5 THE COURT: Okay. All right.

6 Well, then, we will take a brief recess -- actually,
7 we will not take a recess. I thought the jurors were coming
8 in, but we will take care to notify them separately.

9 I will see you, sir, at the end of August, and I wish
10 you all the best.

11 All rise.

12 (PROCEEDINGS ADJOURNED AT 3:47 P.M.)

13 **C-E-R-T-I-F-I-C-A-T-E**

14 I hereby certify that the foregoing is
15 an accurate transcription and proceedings in the
16 above-entitled matter.

17 **7/24/2023**

18 DATE

/s/DIANE MILLER

DIANE MILLER, RMR, CRR, CRC
Official Court Reporter
United States District Court
101 South U.S. Highway 1
Fort Pierce, FL 34950
772-467-2337

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